



Applications & Appeals Services

PLANNING STATEMENT

**Prior Notification for the conversion
of agricultural barn to a three bedroom dwelling**

at

Oakwood Farm, East Street, West Chiltington, RH20 2LU



APPLICANT: MRS A BUSH

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Nikolas J. Antoniou BSc (Hons) DipTP MRTPI

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Appendix NJA/4 – KET/2019/0618 Harborough Road, Dingley, Leicestershire

Appendix NJA/5 – LX/20/01753/PA3Q Trenchmore Farm, Drungewick Lane, Loxwood

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1.0 INTRODUCTION

- 1.1 The proposal is for the conversion of a barn at Oakwood Farm to form a three-bedroom dwelling. The application is submitted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which sets out that the change of use of an agricultural building to a dwelling(s) together with building operations that are reasonably necessary does not require planning permission, subject to criteria. The detail of Class Q is addressed within this Planning Statement and it is demonstrated that all relevant criteria is met.

2.0 **THE SITE**

2.1 Oakwood Farm is located just to the north-east of West Chilton. It is accessed via a track that leads from East Street and comprises a cluster of agricultural and equestrian buildings and Oakwood Farmhouse, surrounded by farmland. The barn the subject of this Class Q proposal is a long-standing agricultural building that has been used for agricultural purposes at the farm, including in association with the keeping of sheep. The barn is laid out to provide storage for a tractor and farm machinery and as an agricultural workshop.

2.2 The following are photographs of the barn the subject of this Class Q proposal:



2.3 Surrounding buildings at Oakwood Farm:



2.4 Oakwood Farm dwelling and access:



3.0 PLANNING HISTORY

3.1 There is no relevant planning history for Oakwood Farm.

4.0 DETAILS OF THE PROPOSAL

- 4.1 It is proposed under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to convert the barn described into a three-bedroom dwelling. The conversion works include the insertion of new windows and doors, insulation, and new timber cladding to the elevations along with a replacement roof covering.

Figure 1: Proposed Elevations

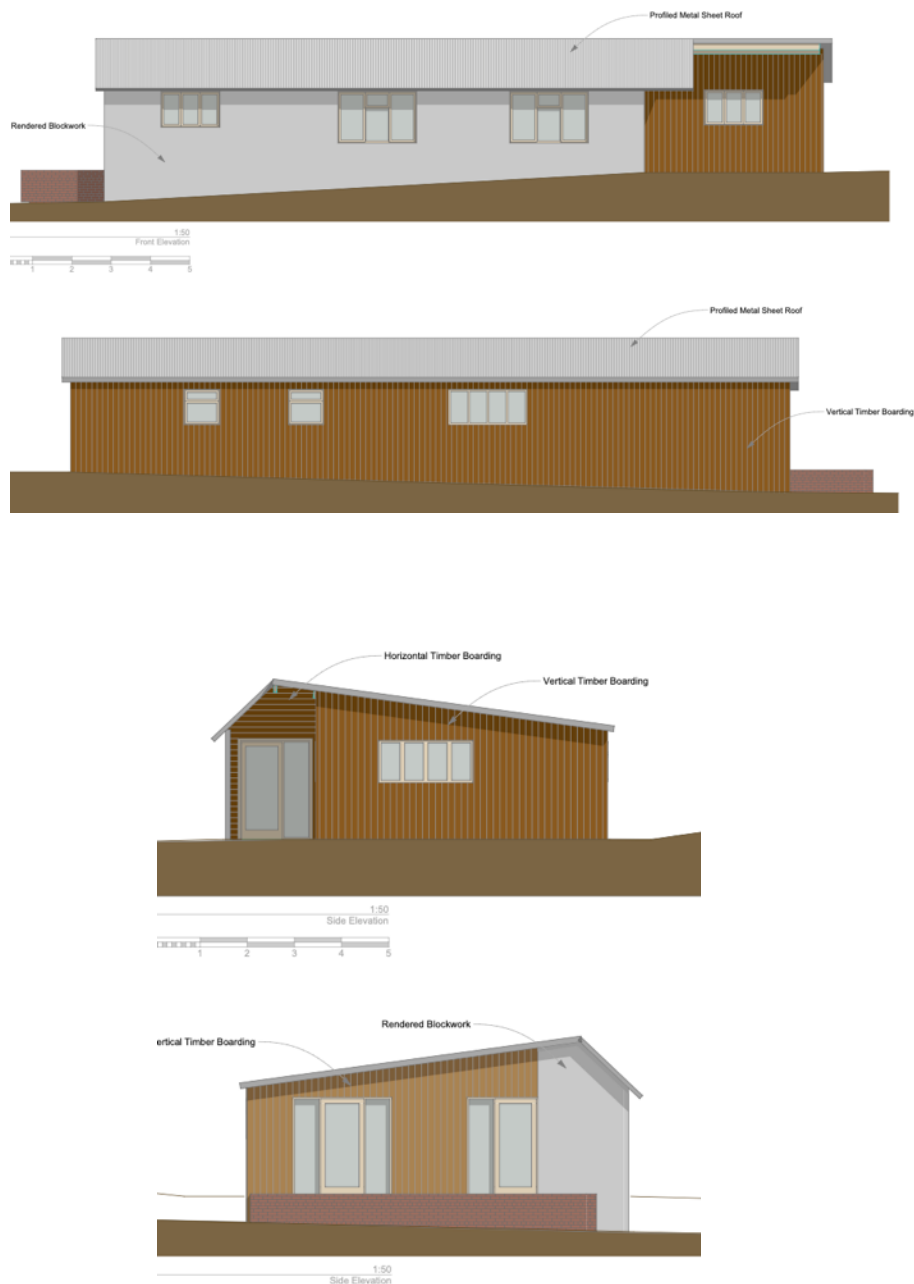
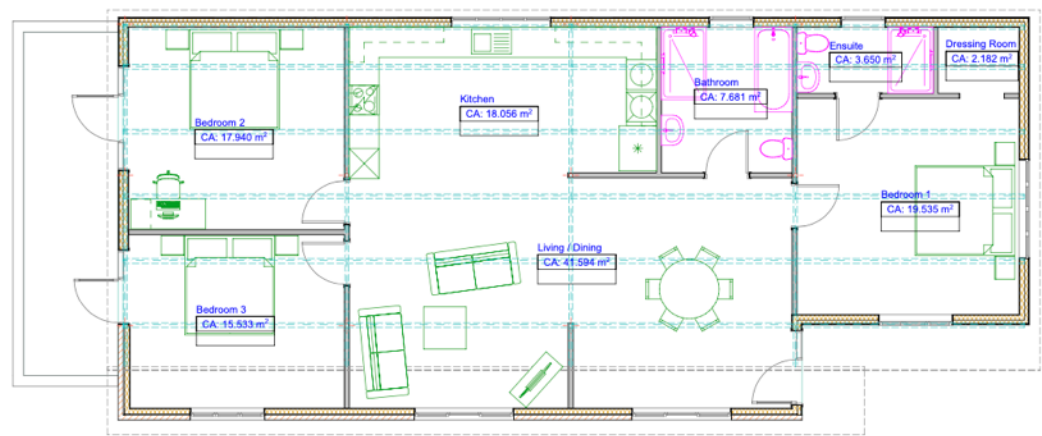


Figure 2: Proposed Floor Plan



5.0 ASSESSMENT UNDER CLASS Q OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

5.1 Class Q specifically states that the following is 'Permitted Development':

Permitted development

Q. Development consisting of -

- (a) a change of use of a building and any land within its curtilage from use as an agricultural building to use falling within Class C3 (dwellinghouses) of the Schedule to the Use Class 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.

5.2 The proposal relates to the change of use of the barn at Oakwood Farm to form a three-bedroom dwelling together with building operations that are reasonably necessary to allow the conversion. The proposal therefore falls within the remit of both criteria (a) and (b).

5.3 Class Q further stipulates at Q.1 more detailed criteria that such proposals must comply with to be 'Permitted Development'. The detail of these criteria is set out as follows:

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 bought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

5.4 The barn has been used solely for an agricultural use, as part of an agricultural unit for a substantial period of time, on and since before 20th March 2013. A number of documents are included at Appendix NJA/1 which relate to the agricultural activities carried out. The proposal complies with criterion Q.1 (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:

5.5 The proposal is for the creation of one larger dwelling with a floor area of 129 sq m. The proposal complies with criterion Q.1 (b).

(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 dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

5.6 The proposal relates to the creation of one larger dwelling as above, and therefore criterion Q.1 (c) is not relevant.

(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;**

5.7 There has been no other previous Class Q developments at Oakwood Farm and the total number of dwellings provided under Class Q would be one. The proposal complies with criterion Q.1 (d).

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

5.8 There are no agricultural tenancies in place. The proposal complies with criterion Q.1 (e).

(f) less than 1 year before the date development begins –

- (i) an agricultural tenancy over the site had been terminated, and**
- (ii) the termination was for the purpose of carrying out the 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;**

5.9 As above, there are no agricultural tenancies and neither has one been terminated in order for the development to take place. The proposal complies with criterion Q.1 (f).

(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;**

5.10 No agricultural permitted development (development under Class A (a) or Class B (b) of Part 6 of the Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit since 20th March 2013. The proposal complies with criterion Q.1 (g).

- (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;**

5.11 The development comprises the conversion of the existing building only (with no extensions) and therefore the proposal will not result in the external dimensions extending beyond the external dimensions of the existing building at any given point. The proposal therefore complies with criterion Q.1 (h).

- (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);**

5.12 The proposed works comprise the following:

- Installation of timber cladding
- Rendered blockwork
- Windows and doors
- Installation of replacement roof covering (profiled metal sheet roof)
- Installation of insulation to floor, walls and roof.

- Rainwater pipes and guttering
- Installation of damp proof course and internal walls
- Retention of foundations

5.13 The above works are all of the extent that are reasonable for the barn to function as a dwelling in accordance with criterion Q.1 (i). Further guidance regarding the above criteria is found in the Planning Practice Guidance (PPG) at paragraph 105 Reference ID: 13-105-20180615. This states that rights are available to facilitate the conversion of the building, which may include those which would affect the external appearance that would otherwise require planning permission. The PPG confirms that it is not the intention of the permitted development right to allow the rebuilding works that would go beyond what is 'reasonably necessary':

'The right allows either the change of use (a), or the change of use together with reasonably necessary building operations (b). Building works are allowed under the right permitting agricultural buildings to change to residential use. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.'

For a discussion on the difference between conversions and rebuilding, see for instance the case of Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC (Admin).

Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q'.

5.14 In the Hibbitt case referenced above, the barn proposed to be converted to a dwelling was already largely open on three sides and whereas the barn at Oakwood Farm is already enclosed. As such, the Hibbitt case is not considered to be directly comparable to this Class Q proposal however a selection of case studies are set out below which demonstrate the general approach to permitting Class Q proposals:

1. DC/21/1998 Clayfield Farm, Valewood Lane, Barns Green – Conversion of agricultural building into two dwellings (Appendix NJA/2).
2. DC/21/1878 Maple Farm, Marches Road, Warnham – Conversion of agricultural building to form five dwellings (Appendix NJA/3).
3. KET/2019/0618 Harborough Road, Dingley, Leicestershire – Conversion of agricultural building to form four dwellings (Appendix NJA/4)
4. LX/20/01753/PA3Q Trenchmore Farm, Drungewick Lane, Loxwood – Conversion of agricultural building to a dwelling (Appendix NJA/5)
5. PS/20/00777/PA3Q Winkins Wood Farm – Conversion of agricultural building to a dwelling (Appendix NJA/6)
6. DC/18/2716 Brookdale Farm, West Chiltington Lane, Broadford Bridge – Conversion of agricultural building to a dwelling (Appendix NJA/7)
7. DC/18/0974 Bulls Farm, Sedgwick Lane, Horsham – Conversion of agricultural building to a dwelling (Appendix NJA/8)

5.15 In summary, the PPG makes it clear that ***'the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house'*** can be permitted. Therefore, the proposed works listed (which are reasonably necessary for the barn to function as a dwelling) fall within the remit of Q.1 (I).

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

5.16 The site is not located on article 2(3) land (Conservation Area/Area of Outstanding Natural Beauty). The proposal complies with criterion Q.1 (j).

(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;

5.17 The site does not form part of a site of special scientific interest, a safety hazard area or a military explosives area. The proposal complies with criterion Q.1 (k).

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

5.18 The site does not contain a scheduled ancient monument. The proposal complies with criterion Q.1 (l).

(m) the building is a listed building.

5.19 The agricultural building to be converted is not a Listed Building. The proposal complies with criterion Q.1 (m).

5.20 The above demonstrates that the proposal complies with the criteria set out within Class Q.1. Q.1 is followed by Q.2, which sets out the following conditions:

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 the beginning of 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 of the site,**
- (d) flooding risks of 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 (dwellinghouse) 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.

5.21 The above conditions are addressed as follows:

(a) transport and highways impacts of the development

5.22 The proposal is small in scale and the existing access is adequate to serve the new dwelling. There will also be no significant intensification of use and although Class Q does not require car parking to be considered, there is space to create at least two car parking spaces. There are as such no adverse transport and highways impact of the proposal, which therefore complies with criterion Q.2 (1) (a).

(b) noise impacts of the development

5.23 The proposal is to create just one dwelling. A residential use is not a use that will result in any harmful noise and disturbance and no harm will be caused to neighbouring residential amenity. Furthermore, the agricultural use of the surrounding land will not result in any adverse impact upon the residential amenities of future occupiers by way of harmful noise or disturbance. There

are as such no adverse noise implications of the proposed development and a suitable living environment will be provided for future occupiers. The proposal complies with criterion Q.2 (1) (b).

(c) contamination risks of the site,

- 5.24 The site is not known to have any contamination issues however should the Council require any contamination assessments to be carried out, this matter may be covered by condition as in the case of Maple Farm (Appendix NJA/3). The proposal complies with Q.2 (1) (c).

(d) flooding risks of the site,

- 5.25 The site is not located within flood zone 1 (low risk) and there are no flooding risks of the site. There is no conflict with criterion Q.2 (1) (d).

(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 (dwellinghouse) of the Schedule to the Use Classes Order,

- 5.26 In relation to the above criteria, the PPG provides the following advice:

‘The permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change to a dwelling’ (Paragraph 108 ID:13-108-20150305).

‘Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects the location and siting would “not be sensible or realistic” and undesirable reflects that it would be “harmful or objectionable”.

When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not sufficient reason for refusing prior approval.

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

When a local planning authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant' (Paragraph 109 Reference ID 13-109-20150305).

- 5.27 The building is located within the countryside however as set out above, the regulations do not state that such locations are inappropriate and issues of sustainability are not relevant to Class Q schemes.
- 5.28 Given that Class Q relates to the conversion of agricultural buildings to dwellings, it is very likely that many Class Q proposals will relate to buildings that are sited close to other agricultural buildings and farming activities. However, this is not to say that such locations are unacceptable. In this case there are no adjacent uses that would result in any harmful levels of noise disturbance or odour. There is space around the barn to ensure that sufficient levels of natural lighting can be achieved internally and the windows to the rear will primarily serve non-habitable rooms or are secondary windows. Therefore, the main windows providing light and outlook are to the front and sides of the

proposed dwelling. Once the barn is converted, it will provide for a high quality living environment for future occupiers.

- 5.29 It is concluded that the proposed barn is in an acceptable location to support its conversion to a dwelling without creating an impractical or undesirable living environment for future occupiers. The proposal therefore complies with Class Q.2 (1) (e).

(f) the design or external appearance of the building, and

- 5.30 The proposal to convert the barn into a dwelling will substantially enhance its appearance and the setting of the site in general. The building will though retain its original form and the materials proposed are in keeping with the agricultural/rural setting.
- 5.31 The design of the proposed dwelling is high quality and whilst the proposal necessitates the inclusion of new windows and doors, these are sensitively designed and sited to ensure that they complement the appearance of the building. Together with timber cladding and rendered blockwork, the design of the barn and materials are wholly appropriate to the rural location and the building will retain the appearance of a barn and therefore its agricultural heritage will be preserved. There is as such no conflict with Class Q.2 (1) (f).

(g) the provision of adequate natural light to all habitable rooms of the dwellinghouses,

- 5.32 As set out, the proposed internal layout of the dwellings is appropriately designed to ensure sufficient levels of natural light and outlook from well sited and sized windows and doors. The proposal complies with Class Q.2 (1) (f).

Other Issues

- 5.33 The proposed residential curtilage is no larger than the land area occupied by the barn.

- 5.34 The provisions of paragraph W relate to the procedure Councils must follow for prior approval applications Under Part 3. The application submission includes all of the details required by W (2) (a) – (e) and there is no conflict with any of the other procedures set out.

6.0 CONCLUSIONS

- 6.1 This Statement sets out that the proposed conversion of the agricultural building at Oakwood Farm to form a three-bedroom dwelling complies in full with the requirements and conditions set out at Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Planning permission is not therefore required.