

MID SUFFOLK DISTRICT COUNCIL  
DEVELOPMENT CONTROL COMMITTEE - 30 September 2015

**AGENDA ITEM NO** 4  
**APPLICATION NO** 2851/15  
**PROPOSAL** Prior Approval Class Q (a) of proposed change of use of Agricultural Building to a dwelling house (use class C3)  
**SITE LOCATION** Valley Farm, New Street, Stradbroke IP21 5JL  
**SITE AREA (Ha)**  
**APPLICANT** Mr S Gemmill  
**RECEIVED** August 5, 2015  
**EXPIRY DATE** October 9, 2015

**REASONS FOR REFERENCE TO COMMITTEE**

The application is referred to committee for the following reason :

The Head of Economy considers the application controversial mindful that the applicant is a former Member of the Council and in the interests of transparency.

**PRE-APPLICATION ADVICE**

1. No pre application advice was sought prior to the submission of this Prior Approval.

**SITE AND SURROUNDINGS**

2. The application site relates to three buildings situated on land forming part of Valley Farm Stradbroke.

**HISTORY**

3. The planning history relevant to the application site is:

2852/15	Prior notification for passing places.	Prior Approval Not Required
2850/15	Prior Approval (Class R) of proposed change of use of Agricultural Building to a flexible use within Shops (Class A1), Financial and Professional services (Class A2), Restaurants and Cafes (Class A3), Business (Class B), Storage or Distribution (Class B8), Hotels (Class C1) or Assembly or Leisure (Class D2)	Pending decision (see related agenda item)

1097/15	Prior Approval (Class MB ( A and B)) of Proposed Change of Use of Agricultural Building to a Dwelling house (Use Class C3) and for Associated Operational Development.	Refused 21/05/2015
1193/15	Prior Approval (Class R) of Proposed Change of Use of Agricultural Building to a flexible use within Shops (Class A1), Financial and Professional services (Class A2), Restaurants and Cafes (Class A3), Business (Class B) Storage or Distribution (Class B8), Hotels (Class C1) or Assembly or Leisure (Class D2).	Refused 21/05/2015
2103/12	Change of use of grain store to vintage car restoration unit (Use Class B2)	Granted 18/09/2012

### PROPOSAL

4. This is a Prior Approval submitted under Class Q (a) of The Town and Country Planning (General Permitted Development Order) 1995 (as amended) for the change of use of three agricultural buildings to three dwelling houses. The application was accompanied by a Prior Notice Statement, Contamination Scoping Assessment and required fee.

It should be noted that whilst the application was accompanied by plans which identify how the barns could be converted only a fee of £80 was received and therefore the lpa is only able to consider the technical principle of the development under this Prior Approval.

The submitted documents identify that the three proposed dwellings would utilise the existing vehicular access for Valley Farm.

- Residential Unit A: The existing building has a gross floor area of 256 square metres. It is proposed to provide 160 square metres of external space which includes three parking spaces.
- Residential Unit B: The existing building has a gross floor area of 136 square metres. It is proposed to provide 95 square metres of external space which includes two parking spaces.
- Residential Unit C: The existing building Has a gross floor area of 256 square metres. It is proposed to provide to have 176 metres of external space including three parking spaces.

No turning area has been identified for the proposed dwellings.

The documentation includes elevation drawings identifying how each of the buildings is to be converted into a dwelling.

- Residential Unit A: Single storey accommodation of kitchen, open plan living/dining area, utility room, four bedrooms (two en-suite) and a family bathroom. Three parking spaces are identified off the existing access road. Private amenity space stated as 160 square metres.
- Residential Unit B: Single storey accommodation of open plan kitchen/dining/living room, three bedrooms (one en-suite) and a family bathroom. Two car parking spaces are identified off the existing access road. Private amenity space stated as 95 square metres.

- Residential Unit C: Single storey accommodation of entrance lobby, kitchen/diner, lounge, utility, three bedrooms (two en-suite), family bathroom and study. Three car parking spaces are identified off the existing access road. Private amenity space stated as 176 square metres.

## POLICY

### 5. Planning Policy Guidance

See Appendix below.

## CONSULTATIONS

- 6.
- **Highways Authority:** Recommends condition on parking and turning area.
  - **Environment Agency:** Falls outside our remit.
  - **Environmental Health:** I have reviewed the application and note that the application is for a sensitive end use and will therefore require an envirocheck style report and land contamination questionnaire to be submitted with the application. Without this information I would be minded to recommend that the application be refused on the grounds of insufficient information to demonstrate the suitability of the site for the proposed use.
  - **Suffolk Fire and Rescue:** Advisory comments. See agenda bundle for full details.

## LOCAL AND THIRD PARTY REPRESENTATIONS

7. No letters of representation have been received.

## ASSESSMENT

### 8. Background:

Members should note that the permitted development right underpins the principle of development as being acceptable as a starting point. National planning practice guidance advises :

*"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 a sufficient reason for refusing prior approval"*

Prior Approval for a similar scheme to that submitted was presented to Committee on the 29th April 2015 where it was delegated to the Corporate Manager to determine the application given the essential timescale for a

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decision.

The Prior Approval was subsequently refused on the 21st May 2015 for the following reasons:

*"Based on the definitions of agricultural use and curtilage (Interpretation of Q(a) at Paragraph X, Part 3 of the Town and Country Planning General Permitted Development Order 2015), and the site as drawn it is considered that permitted development rights do not apply.*

*In addition :*

*The proposed conversion of the agricultural buildings to dwellings under Class Q(a) and subsection N(8)(b) is considered to be impractical as the proposed change of use does not include access to the public highway. The assumed access would be across agricultural use land and is both outside the scope of this application and requires further change of use."*

• ASSESSMENT:

A proposal must comply with the criteria set out in Part 3, Class Q and Part 3, X.

\* Agricultural Use:

For the proposed development to be able to be sought under Part 3, Class Q of the GPDO it must satisfy that it is or was last in use solely for agricultural purposes, in accordance with the criteria set out in Q (a).

At the time of the case officers site visit for the previous Prior Approval under reference 1097/15 Residential Unit A was in use for storage which, included a caravan; Residential Unit B was occupied by vehicles and enclosed by a mesh gate and Residential Unit C was being used for the storage of a tractor. The applicant stated, when questioned at the Planning Committee, they had sold off the land three years ago but these buildings were still being used for agricultural purposes by the agricultural contractors.

With the information to hand the Local Planning Authority were not satisfied that the agricultural buildings were and or were last solely used for agriculture. From the evidence at the site visit it appeared that a mixed use may be in operation with storage for non agricultural purposes and storage of agricultural equipment. Part X defines an "agricultural building" which is one being used for the purposes of a trade or business. Further clarification on this matter has been sought from the applicant/agent to confirm their statement that the buildings are in use solely for agricultural purposes. A verbal update on this matter will be given at the Committee Meeting.

\* Curtilage:

The Prior Approval fails to comply with the conditions with regard to Q (a) set out in Part 3, X which specifies:

*"curtilage" means, for the purposes of Class Q, R and S only -*

*(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 "*

The previous Prior Approval (reference 1097/15) was partially refused on the basis that the curtilage defined exceeded the size permitted under Part 3, X. This Prior Approval has a different curtilage shown which is within the parameters set within the GPDO.

Since the decision was made on 1097/15 there have been appeal decisions which are material to this Prior Approval that have allowed barns to be converted into dwellings under Part Q where the amenity land and access were excluded. This would be the case under this application.

Given these appeal decisions no objection on the basis of the curtilage is raised.

It is however important that Officers recommend that a note is appended to the Approval that identifies the limitations of this Approval and that other permission may be required for other changes of use of land or engineering operations required to facilitate the proposed development. In this instance permission would be required for the change of use of land for garden land to be associated with the proposed dwellings.

- Transport and highways impacts of the development

The Highway Authority had advised on Prior Approval 1097/15 that the application was likely to lead to an intensification of use of the access to Valley Farm. It was advised that the visibility of the access road with New Street is satisfactory. However this access road narrows down to a single track with no passing bays. On this basis they advised that the access road has insufficient width for an HGV to wait at the entrance while another vehicle exits without affecting the highway. This potential for vehicles reversing into the public highway would have been prejudicial to highway safety.

Following from receipt of consultation response clarification was sought from the Highway Authority with regard to the specific residential uses sought under that Approval. The Highway Authority confirmed verbally that as this application is solely for residential development they would not wish to continue their objection to the development sought under that Approval.

The Highway Authority has recommended that should the Approval be granted a condition requiring parking and turning to be secured be imposed.

- Noise impacts of the development

Part 3 (W) (10) (b) states that regard must be given to the NPPF insofar as it is relevant to the subject of the prior approval.

There is a car restoration company operating from a former grain store to the northwest of the application site which was granted permission on the 18th September 2012 by permission 2103/12. Given Valley Farm is also within close proximity to that existing use it is not deemed that there would be significant noise impacts to the occupants of the proposed dwelling.

Officers are mindful of the Prior Approval 2850/15 which seeks approval for a flexible use. Given that this may not be granted or be implemented it is not considered that its submission should prejudice the grant of Approval.

- Contamination risks on the site

The application has been accompanied by a Contamination Scoping Report. This has identified that the risk to human health is low but advised that if any contaminant is found during construction work should then cease and further investigation undertaken.

- Flooding risks on the site

The site is not within Flood zone 2 or 3 and is not considered to have flood risk issues significant to warrant prior approval or refusal.

- Consideration of representations

There have been no letters of representation received for the Prior Approval submission.

- Conclusion

The development sought is considered to meet the criteria set out in Part Q of the GPDO 2015 subject to appropriate conditions.

## RECOMMENDATION

**That prior approval be Granted subject to the following conditions:**

- Time limit
- Approved plans
- Parking and turning area to be agreed in writing with the lpa, including land ownership or control details for securing said space and to be functionally available before any of the dwellings are occupied.
- Details of foul drainage

**Informative Notes:** This Prior Approval does not grant permission for the change of use of land or any other engineering operations to facilitate the development.

Philip Isbell  
Corporate Manager - Development Management

Lisa Evans  
Planning Officer

**APPENDIX A - PLANNING POLICIES**

**1. Planning Policy Statements, Circulars & Other policy**

**NPPF - National Planning Policy Framework**

**APPENDIX B - NEIGHBOUR REPRESENTATIONS**

No letters of representations have been received.