

Committee Report

Item No: 5

Reference: DC/19/01072

Case Officer: Daniel Cameron

Ward: Stradbroke & Laxfield.

Ward Member/s: Cllr Julie Flatman.

RECOMMENDATION – Approval of prior approval details

Description of Development

Notification for Prior Approval for a Proposed Change of Use of Existing Barn to a Single Dwellinghouse (Class C3), and for Associated Operation Development. Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3, Class Q.

Location

Barn at Little Meadow Farm, Banyards Green, Laxfield, Woodbridge Suffolk IP13 8EU

Parish: Laxfield

Expiry Date: 30/04/2019 (Note: This must be determined before this date or is deemed approved under legalisation for this type of prior approval.)

Application Type: AGDW - Prior Approval Agricultural to Dwell

Development Type: Notifications

Applicant: Mr J Edwards And Miss A Martin

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

The application is being made by an employee of Babergh and Mid Suffolk District Councils.

Details of Previous Committee / Resolutions and any member site visit

None

Has a Committee Call In request been received from a Council Member?

No.

Details of Pre-Application Advice

None.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

The application is made under Class Q of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. Please see assessment for full implications of this type of application and assessment criteria.

Neighbourhood Plan Status

This application site within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at: -
Stage 2: Preparing a draft neighbourhood plan

Accordingly, the Neighbourhood Plan has no weight as the detail of policies is not yet known. In any event this type of application has specific criteria to consider, see assessment below.

Consultations and Representations

During the course of the application consultation and representations have been received from third parties have been received. These are summarised below:

A: Summary of Consultations

Laxfield Parish Clerk

Members are concerned about the lack of a safe footpath to the village, the proximity of the site to an SSSI and that in a report recently received following the Neighbourhood Plan Call for Sites, AECOM suggests that this plot is not suitable for development.

SCC - Highways

Information regarding vehicular parking, cycle storage facilities, bin storage and presentation areas and vehicular access onto the highway has not been submitted.

Suffolk Wildlife Trust

No response.

Environmental Health - Land Contamination

Many thanks for your request for comments in relation to the above application. Having reviewed the application I can confirm that I have no objection to the proposed development from the perspective of land contamination. I would only request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

MSDC - Planning Policy

No response.

SCC - Rights of Way Department

No response.

B: Representations

No public representations were received as part of this application.

PLANNING HISTORY

REF: DC/18/01597	Application for Lawful Development Certificate for Existing Use - Continued occupation of Little Meadows Farm (C3) in breach of the original agricultural occupancy condition W/7537 condition 4.	DECISION: LU
REF: DC/18/02777	Application under Section 73 of the Town and Country Planning Act. Removal of Condition 4 (Agricultural Occupancy) relating to planning application W/7537. Erect bungalow and garage for occupation by farmer).	DECISION: GTD
REF: 2603/14	Change of use of domestic storage building to a micro dairy to produce goats' cheese (Use Class B2)	DECISION: GTD
REF: 1188/14	Change of use of storage building to micro-dairy	DECISION: REC
REF: 3248/06	Change of use of barn to education centre (D1).	DECISION: REC

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The application site forms part of Little Meadows Farm and is composed of an L shaped barn adjacent to the farmhouse. It is located to the north-east of the centre of Laxfield along Bickers Hill Road.
- 1.2. The area is predominantly rural in character with agricultural field patterns apparent to the north, south, east and west of the site.
- 1.3. A public footpath begins close to the site frontage and continues along it a short way before continuing east into the wider countryside.
- 1.4. No other planning constraints are noted which would affect the site.

2. The Proposal

- 2.1. The proposed development would see the barn converted to create one new, single storey, three bedroomed dwelling.
- 2.2. Internal floorspace of the new dwelling would be 232.94m².
- 2.3. Ample space is provided on site to allow for parking in excess of that required by adopted parking standards is provided.
- 2.4. Under the provisions of Class Q of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended it is not possible to alter the footprint of the building. Further, development granted under this section of the Order is heavily restricted

in the other permitted development rights it enjoys such that extensions would require planning permission.

- 2.5. The proposed development would enjoy a good-sized garden for the use of future residents.
- 2.6. No properties are positioned to the rear of the barn such that back to back distances do not require consideration.
- 2.7. Materials are proposed to mirror those of an agricultural building. The roof is proposed to be replaced with natural slate, and where necessary walls will be repaired with render and timber boarding to match the existing building. Windows and doors are proposed to be fitted within aluminium frames.

3. The Principle of Development

- 3.1. The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended grants planning permission to all development contained within it, provided it complies with certain criteria. Where development exceeds those criteria, or is not listed within the Order, it is considered to require planning permission.
- 3.2. Schedule 2 of the Order lists the various types of development granted planning permission by virtue of being listed within with document itself. Part 3 of that schedule details changes of use, with Class Q specifically dealing with 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 (dwellinghouse) of the Schedule to the Use Classes Order; and
 - 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 (dwellinghouse) of that Schedule.
- 3.3. An assessment of the application against the required criteria of Class Q will be undertaken in the section below, provided that the application is considered to meet these criteria, the Order requires that prior approval from the local planning authority is required. To that end the Order is clear that further consideration must be given to the following areas:
 - a) the 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 an agricultural use to a use falling within Class C3 (dwellinghouse) of the Schedule to the Use Classes Order; and
 - f) the design or external appearance of the building.
- 3.4. Consideration of these issues will be undertaken later in the report.

4. Limitations of Class Q

- 4.1. In order to qualify for planning permission under Class Q of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, a given development is required to fulfil a significant range of criteria including timing of agricultural use, size of building, design and conversion development, if listed or within specific designated areas.
- 4.2. With regards to the criteria, it is considered that:
 - a) the barn was in use as an agricultural barn at the required date as evidence by the planning history on the site;
 - b) the proposed development would not breach the specified number of larger dwellinghouses permitted on the site;

- c) the proposed development would not breach the specified number of smaller dwellinghouses permitted on the site;
- d) no earlier Class Q development has taken place on the site, and moreover, this development would not result in a floor area of over 465m² falling into Class C3 of the Schedule to the Use Classes Order;
- e) the site is not occupied under an agricultural tenancy such that express consent of the landlord and tenant is required;
- f) the barn is not extending beyond its current dimensions as a result of this development;
- g) no building works are proposed beyond those allowed within the legislation;
- h) the site is not, nor forms part of Article 2(3) land;
- i) the site is not, nor forms part of a site of special scientific interest, a safety hazard area or a military explosives storage area;
- j) the site is not, nor forms part of a scheduled monument; and
- k) the barn is not a listed building.

4.3. It is therefore considered by officers that the application meets the legal criteria. As such, consideration now turns to the requirements of the site as defined by the order to receive prior approval.

5. Transport and Highways Impacts

- 5.1. No objection has been raised by the Highways Authority to the proposed development, although it is noted that further information with regards to vehicle parking, cycle storage, bin storage and presentation area is required.
- 5.2. It is considered that this could be reasonably provided by planning condition and given the Highways Authority are content with the current access, it is considered that this is a reasonable way forward.

6. Noise Impacts

- 6.1. It is not considered that the conversion of the barn to a residential use would create any unwanted noise impacts, especially given that internal works to the barn include the installation of internal insulation which would have a sound dampening effect.
- 6.2. The residential use of the nearest neighbouring is similarly not considered to create any unwanted noise impacts on the residents of the barn.

7. Contamination Risks

- 7.1. A Groundsure Report has been submitted with this application which has identified no known sources of contamination on the site. This has been assessed by the Council's Environmental Health Team, who agree with its conclusions and raise no objection to the conversion of the building.

8. Flood Risks

- 8.1. The site does fall within either Flood Zones 2 or 3 such that consideration is only required with regards to surface water drainage within the site. No critical drainage issues are known within the area and the site is surrounded by landscaping that is sufficient to deal with surface water runoff from the building as it currently stands. As no change to the dimensions of the building are allowed under this application, it is not considered that the ability of the site to deal with run-off water would deteriorate were the barn allowed to be converted.

9. Siting of the Building

- 9.1. Planning Policy Guidance (PPG) is clear with regards to permitted development rights and whether the local planning authority can give consideration to the sustainability of a given site. Paragraph 108 of the PPG states that:
"...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 use to a house..."
- 9.2. With regards to the location and siting of the building, while it is noted as falling within the countryside and some distance from the centre of Laxfield, however, the directions of the PPG are clear. Namely, that the countryside location and distance to Laxfield cannot be used as factors on which this application can be considered for refusal for Part Q applications
- 9.3. A number of other residential properties are noted within the immediate area and would be required to make similar journeys into Laxfield to access services.
- 9.4. It is not considered that the location or siting of the building would be sufficient on which to consider the application for refusal.
- 9.5. Reference to a number of SSSI sites in the vicinity are mentioned, however, these do not affect the site itself and do not form part of the site.

10. Design

- 10.1. No alterations are proposed to the exterior dimensions of the barn and the overall proposed design for the converted building would leave it architecturally similar to an agricultural building.
- 10.2. The re-roofing of the barn, the repair of the walls and the insertion of windows and doors is allowed under the scope of the permitted development rights applied for.
- 10.3. Given the above it is considered that the building would continue to be read as part of the countryside and would not be detrimental to the character of the area.

11. Impacts on Residential Amenity

- 11.1. The closest residential property to the application is located to the immediate north-west. Currently there is a family relationship between the occupants of the that property and the applicants in this case, but in planning terms officers have considered the matter on the basis of no such connection. It is considered unlikely that unacceptable impacts on the existing level of residential amenity enjoyed by the neighbouring properties would be created.
- 11.2. No windows are provided to any elevation which would create an issue with regards to the current levels of privacy enjoyed at any neighbouring property. The barn is single storey in height and so is not considered to create opportunities for overlooking either.

12. Ecological Impacts

- 12.1. While consideration of ecological impacts is not required under the provisions of Class Q of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, the Council is under legal duties to ensure that it has certainty with regards to the ecological impacts of its decision making.

- 12.2. To that end the application is supported by an ecological appraisal of the site which notes no adverse impacts on protected species caused by the proposed development.
- 12.3. Paragraph 6.2 of that report notes a number of mitigation measures that should be carried out during development in order to ensure compliance with best construction practice which could be secured by condition.

13. Planning Obligations and Community Infrastructure Levy

- 13.1. As planning permission for this development is granted under the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, it is not possible to attach planning obligations to it.
- 13.2. The development is still subject to the provisions of the Community Infrastructure Levy.

PART FOUR – CONCLUSION

14. Planning Balance and Conclusion

- 14.1. The application proposes the conversion of an existing barn to a residential use and is made under Class Q of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, such that the usual considerations that the Local Planning Authority would have regard to are restricted.
- 14.2. There is nothing within the submitted documents or within consultee comments on the application which indicate that the application should be refused on those grounds. The proposed design is attractive and would reflect the agricultural heritage of the building and the surrounding area.
- 14.3. While additional information with regards to refuse bins, cycle storage and to ensure compliance with best ecological construction methods on site are required, these are considered to be reasonable conditions.
- 14.4. Given the above, and the considerations made within this report, the officer recommendation on this application is one of approval.

RECOMMENDATION

That authority be delegated to Acting Chief Planning Officer to approve the prior approval of details as required under Class Q of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, subject to the conditions and informatives listed below:

Conditions:

1. ACTION REQUIRED IN ACCORDANCE WITH SPECIFIC TIMETABLE: TIME LIMIT FOR COMPLETION

The development hereby approved shall be completed within a period of three years starting with the date given on this notice.

Reason - In order to comply with the provisions of Section Q.2 (3) of Class Q of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

2. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard.

Reason - For the avoidance of doubt and in the interests of proper planning of the development.

3. COMPLIANCE REQUIRED: ECOLOGICAL CONSTRUCTION METHODS

The ecological mitigation set out at Section 6.2 and at Appendix 1 of the Ecological Survey submitted in support of this application by JP Ecology dated February 2019 shall be undertaken at all times during the construction of the development hereby approved.

Reason - In order for the Local Planning Authority to have certainty as to the ecological impacts of the development and to ensure these are minimised at all times.

4. ACTION REQUIRED PRIOR TO THE OCCUPATION OF THE DWELLING: ADDITIONAL DETAILS REQUIRED AS TO CYCLE STORAGE AND BIN STORAGE

Prior to the first occupation of the development hereby approved, details relating to vehicle and cycle parking at the property, and bin storage and presentation areas, shall be submitted to and approved in writing with the Local Planning Authority. The approved details shall be implemented at the site and retained in their approved form at all times thereafter.

Reason - In order to provide clarity with regards to how the property will function once occupied and to ensure that this does not impede the safe use of the public highway.

Informatives:

1. Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high-quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

2. Environmental Health at the District Councils should be contacted in the event of unexpected ground conditions / contamination being encountered during construction. The developer should be aware that the responsibility for the safe development of the site lies with them at all times.

