

Planning Statement

21 August 2024



info@whiteplanning.co.uk

Address:

Glasspool Farm
Part Lane
Risely
RG7 1RU

Applicant:

Wroxton Ltd

Proposal:

Prior Approval under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the conversion of agricultural buildings to create 10 number 3 bedroom dwelling (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building/s referred to in paragraph (a) to a use falling within Class C3 (dwelling houses) of that Schedule.



Application

This application is the first of two applications which will be submitted in close succession of each other for Permitted Development conversions on existing agricultural buildings at Glasspool Farm.

Application 1

This application seeks the Prior Approval of the Council for the conversion of two existing agricultural barns (A & B) into 10 x 3 bedroom residential homes each measuring a total of circa 95 square meters each.

Application 2

That application will be for the demolition of Barn C as shown on the black plan and the conversion of Agricultural Barn D into a Hotel.

Site Description

The site has a detailed planning history, and previous determinations in relation to the agricultural status of the site has been assessed, with a number of Prior Notification applications having been granted, but not implemented.

One such application (152333) shows that the building was accepted as being in agricultural use as part of an established agricultural unit in the 2015 application. Whilst the building is currently not in use, clearly no change has occurred since this application and it is confirmed that the last known use at the relevant dates was that of agricultural as part of an established agricultural unit.

I submit the report and findings of the determination of application 152333 for the case officers consideration.

The holding to which Glasspool Farm relates formerly extended to 182 hectares (450 Acres) as set out in the report by across rural property services, page 3, and they confirm that the then owners farmed the property for agriculture on or before 20th March 2013.

At 4.5 of the report, they clearly set out the buildings use

4.5 The buildings in question are redundant poultry houses which have been modified and last used for cattle sheds and storage. They are now mainly redundant occasionally used for straw and machinery storage.

Case Officer Report - Submitted in full

No material changes or alterations to the buildings have occurred since this assessment was carried out.

The proposal would not fall within the provisions of the above. The building is not on article 2(5) land and there is no reason presented to question the agent's argument that the building has been in agricultural use since the 20th March 2013. The total proposed number of dwelling houses are 3, and the floor space of the existing buildings proposed to change use is 448m². The site is not within or part of a safety hazard area or military explosives storage area and is not a listed building or scheduled ancient monument.

Relevant Planning History

152333

Application for the prior approval for proposed change of use of three agricultural buildings to dwelling houses (Use Class C3)

Prior Approval - Approved 14/10/2015

160121

Outline Application for the erection of 4no dwellings

Refused 26/04/2016

180706

Outline application for the proposed erection 3no. New dwellings

Refused 01/05/2018

181989

Application for prior approval for the proposed change of use of an existing agricultural building and the land within its curtilage to 5no. Dwelling houses

Prior Approval - Approved 07/09/2018

193386

Prior Approval submission for proposed part conversion of barn to flexible use

Prior Approval - Refusal 28/01/2020

193385

Prior Approval submission for the proposed part conversion of 2 no barns to provide 5no. Dwellings

Prior Approval - Refused 28/01/2020

200371

Prior Approval (Class R) submission for the proposed change of use of 1no. Agricultural building to an office use building with ancillary parking

Prior Approval - Approval 15/05/2020

200243

Prior Approval submission for the conversion of 2no. Agricultural buildings to provide 5no. Dwelling houses.

Prior Approval - Approved 26/02/2020

It is evident that the Glasspool Farm site has been the subject of a number of prior approval submissions to the LPA for determination and prior approval has been granted.

To date, none of these prior approvals have been implemented or commenced and have all now lapsed. The present plans, if approved will be implemented, as the current owners seek to bring about an overall improvement to the site and set certainty for the local residents about the sites future and the overall use.

Legislation

Revision 21 May 2024 The legislation has been revised and there currently exists a 12 month transition period, the application barn's qualify under both the previous version and the revised version of the legislation, the revised being the relevant legislation to this application.

Works Not Requiring Consent

Town and Country Planning Act 1990

Section 55 Meaning of "development" and "new development".

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any

buildings or other land. **F1** [(1A) For the purposes of this Act " building operations " includes— (a) demolition of buildings;

(b) rebuilding;

(c) structural alterations of or additions to buildings; and

(d) other operations normally undertaken by a person carrying on business as a builder.]

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which— (i) affect only the interior of the building, or (a) the carrying out for the maintenance, improvement or other alteration of any building of works which—

Under section 55 (2)(a)(ii) (a), works to the internal structure would not require planning consent, and could be undertaken at anytime, either prior to a Part Q application, or during the subsequent development and conversion works of the Part Q application implementation.

The important part of Part Q is that the building must be capable of conversion, when combined with necessary works, the barns are confirmed as being capable of being converted.

Legal Case

In looking more closely at the conversion versus building works, there is a lead authority legal case, *Hibbitt and another v Secretary of State for Communities and Local Government and another* [2016] EWHC 2853 (Admin). In the case of *Hibbitt* prior approval was sought for the conversion of a steel framed barn largely open on three sides to a residential dwelling house on the basis that it was permitted development.

The issue for the Court to determine was whether such a conversion fell within the scope of 'conversion' under Part 3 Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015 ("GDPO").

The relevance being that, in dismissing an appeal against refusal of prior approval, a Planning Inspector had determined that, notwithstanding the various conditions, the development in question had to amount to conversion and conversion only.

The barn in question was open on 3 sides, and the construction of 3 substantial EXTERNAL walls, would amount to building works not conversion works. Section 55 (2)(a)(ii) (a), could have not been used on the *Hibbitt* barn, for the walls were external and not internal and would have materially altered the external appearance of the barn, thus being development, requiring full planning permission.

The application barns are enclosed and have walls and external treatments, on all four sides and whilst the external treatments require repair, they would not fall foul by way of the HIBBITT test, and as professionally assessed by the structural engineers, they are capable of conversion.

LEGISLATION - Permitted development Q.

Development consisting of—

a change of use of—

(i) a building that is part of an established agricultural unit and any land within that building's curtilage, or

(ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage, to a use falling within Class C3 (dwelling houses) of Schedule 1 to the Use Classes Order, (b) development referred to in sub-paragraph

(a) together with the extension of the building referred to in sub-paragraph (a), or (c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwelling houses) of that Schedule or to extend that building. Development not permitted

Q1. Development is not permitted by Class Q if—

(a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—

(i) on 24th July 2023, or (ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins, (Transition period previous date 20 March 2013)

The application site when last in use, was used for agriculture as a part of an established holding, as demonstrated and accepted in 152333 and each subsequent prior approval

(c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwelling houses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,

The application is for no dwelling larger than 100 square meters and the proposal is considered to qualify.

(d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—

(i) the cumulative number of separate dwelling houses having a use falling within Class C3 (dwelling houses) of Schedule 1 to the Use Classes Order exceeding 10, or

(ii) the cumulative floor space of dwelling houses having a use falling within Class C3 (dwelling houses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,

The application barns and proposal qualify, as the Part Q application is for 10 no 3 bedroom homes not exceeding 100 sq meters each (1000 sq meters total)

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

There is no existing agricultural tenancy

(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,

No agricultural tenancy has been terminated within 1 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 during the period which is 10 years before the date development under Class Q begins,

No development under this section has been carried out, the barns qualify

(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, other than—

(i) extension of the building allowed by paragraph

Q.1(i); (ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph

The external dimensions do not increase

Q.1(j)(i),

the development under Class Q(b) would result in an extension that—

- (i) has more than one storey,
- (ii) is sited anywhere other than to the rear of the existing building,
- (iii) extends beyond the rear wall of the existing building by more than 4 metres,
- (iv) has eaves the height of which exceed the height of the eaves of the existing building,
- (v) is higher than whichever is the lower of—

(aa) the highest part of the roof of the existing building, or

(bb) a height of 4 metres above the ground,

(vi) extends beyond a wall that forms a side or principal elevation of the existing building, or

(vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—

(aa) the hard surface was not provided on the land on or before 24th July 2023, or

(bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under

Class Q(b) begins,

The barns qualify

(j) the development under Class Q(c) 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(j)(i),

All of the proposed works to convert the barns to C3 residential dwellings will fit within this part of the legislation and Section 55 and therefore qualify, and there is only partial demolition of those parts not required to facilitate the changes of use

(k) the site is on article 2(3) land,

(l) 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,

These do not apply to the application site

(m) the site is, or contains, a scheduled monument,

(n) the building is a listed building,

(o) the existing building,

excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it, or

(p) the building does not have suitable existing access to a public highway.

The barns qualify under this part of the legislation

Q2.—

Where the development proposed is development under Class Q(a) together with development under Class Q(c), 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,

The applicants instructed the services of highway engineers 'Motion' to investigate and report upon the proposal impacts to the highways, a full report is submitted that demonstrates that there are no adverse impacts to highways from the proposal.

(b) noise impacts of the development,

It has been previously accepted that the removal of the farming enterprise use from the land and the keeping of livestock within the barns as previously carried on, would significantly reduce any future impacts regarding noise generation from the conversion to residential.

(c) contamination risks on the site,

In the application 152333 and subsequent applications for prior approval, it was accepted that the applicants submission, as to previous use of the site, namely the use of the barns for agricultural storage and for the housing of livestock, demonstrated that there were no likely risks of contamination.

If however the LPA are concerned about potential contamination, it is perfectly acceptable to condition investigations prior to the commencement of development.

(d) flooding risks on the site,

The site is located in Flood Zone 1 and at very low risk of flooding

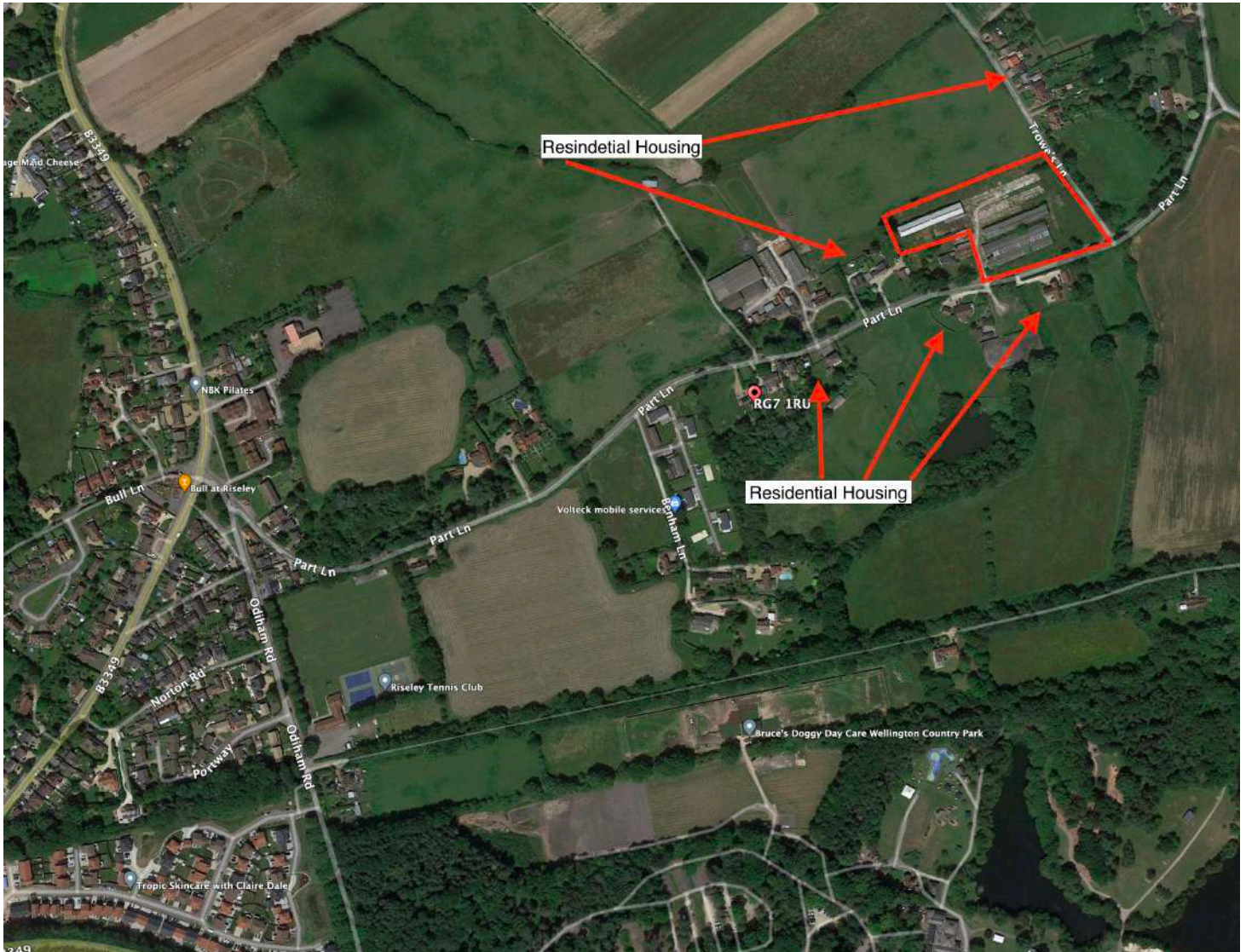
Flood map showing the flood zone your site is in

The map shows the flood risk to your site and the surrounding area.



(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 (dwelling houses) of Schedule 1 to the Use Classes Order,

All of the immediate neighbouring buildings are that of C3 residential dwellings in the countryside location and setting, the change of use is the most practice and desirable use for the site.



(f) the design or external appearance of the building, and (g) the provision of adequate natural light in all habitable rooms of the dwelling houses, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

The proposed layout is shown by application drawings, which demonstrate compliance with this part of the legislation

The plans show all dimensions in square meters

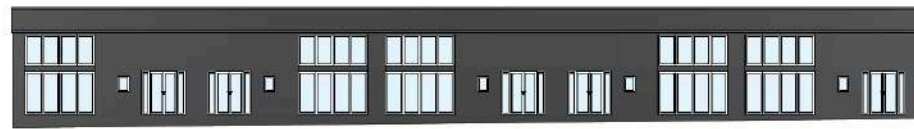
Building A



BUILDING A

An area of barn A will be demolished as shown

Building B



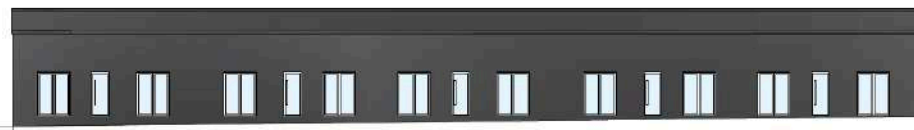
SIDE ELEVATION (North)



FRONT ELEVATION (West)



REAR ELEVATION (East)



SIDE ELEVATION (South)



PROPOSED GROUND FLOOR PLAN

BUILDING B

PLOT 6 - 95.03m²
PLOT 7 - 95.03m²
PLOT 8 - 95.03m²
PLOT 9 - 95.03m²
PLOT 10 - 95.03m²

Drawing No.	Proposed floor plans and elevations - BUILDING B
Project	Proposed barn conversion to four 3 room 2 bathroom dwellings
Address	Stagsfoot Farm, North Lane, Basingstoke, Hants RG21 1BB
Client	
Scale	1:100
Date	July 2024
Drawing Number	02/04/2024
Rev	

An area of barn B will be demolished as shown

The legislation permits the insertion of windows and doors and I can confirm that the footprint of the building/s will not be increased beyond the existing built form.

Curtilage

The residential curtilage of the houses is shown to be no greater than the existing footprint of the building and is adequate to provide amenity space for the occupants of the housing, in-line with the adopted approach taken by Inspectors in relevant planning appeals.

Minimum Space Standards

According to the latest UK minimum space standards, the 2 storey 3 bedroom houses comply with being suitable for 5 persons occupancy.

Type of dwelling		Minimum gross internal floor areas (GIA)* and storage (sqm)			
Number of bedrooms	Number of bedspaces	1-storey dwellings	2-storey dwellings	3-storey dwellings	Built-in storage
1b	1p	39/37			1
	2p	50	58		1.5
2b	3p	61	70		2
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4
	8p	125	132	138	

Where the development proposed is development under Class Q(a) only, 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 the items referred to in sub-paragraphs (1)(a) to (e) and (g), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Where the development proposed includes development under Class Q(b), the developer must also apply, as part of the application under sub-paragraph (1) or (2) (as the case may be), for a determination as to whether the prior approval of the authority will be required as to the impact of the proposed extension on the amenity of any adjoining premises.

(4) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b) or (c), if any, must be completed within a period of 3 years starting with the prior approval date.

The proposal is compliant with the legislation

Structural Engineers Inspection & Reporting

A firm of structural consulting engineers 'Gurney' carried out structural surveys and assessments on the buildings to assess their structural suitability for conversion under the legislation, to residential dwellings.

The report consisting of 15 pages prepared by Jonathan Wilde and approved by Peter Evans (31 July 2024) is included with the application documents.

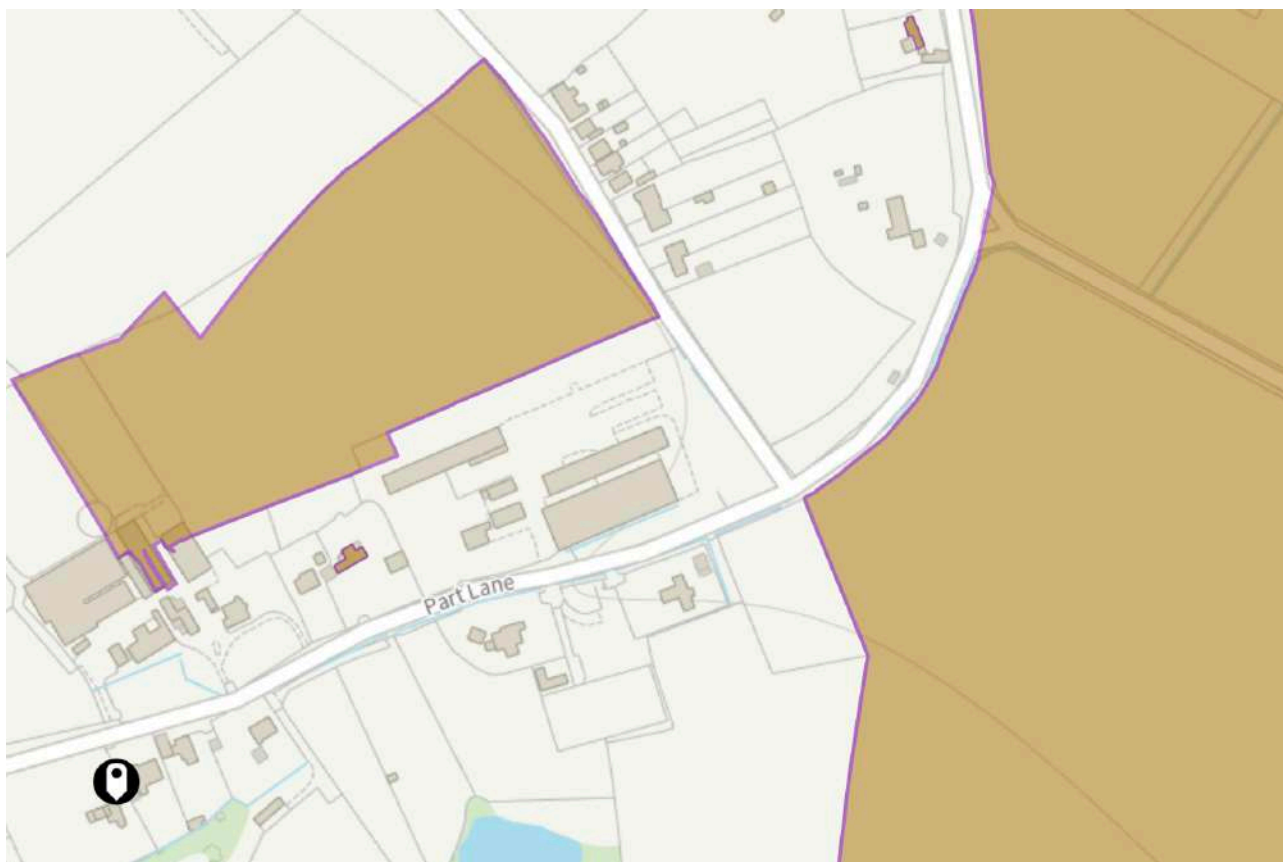
Most critically the structural engineers set out that the buildings are capable of conversion.

The works required to upgrade thermal efficiency and water resistance are all reasonably necessary to convert the buildings under the prior approval regime but in any event, Section 55 (2) would enable the applicants to carry this work without any further planning applications to the LPA.

The existing concrete floors are capable of incorporating a floating floor system on top to meet the thermal values required and this would ensure that no excessive building practices are required. This is a common building practice in conversion works and enable developers to weather proof the existing floor, batten the floor, insulate between the battens and lay a floating deck finish floor surface, this being just one simple example of how modern thermal standards are achieved without significant construction works, beyond what would be reasonably necessary.

The findings of Gurney Structural Consulting Engineers, mirrors the findings of previous structural engineers reports on the buildings, which all found they were structurally capable and suitable for conversion.

Policy Constraints



A search of the Councils online policies mapping service, shows that none of the site is located within an archeological site and none of the buildings are listed.

Further, no local or nearby building were listed as an ancient monument.

The land is not located in an area covered by Article 4 Direction

The land is not returning results of contamination

The site is not located in a SSSI of AONB or National Park

Conclusion

The barns selected for prior approval conversion to Residential C3 Properties, are policy compliant and were part of a agricultural holding at the required dates or when last in use, as clearly evidenced by the historic prior approval consents granted by Wokingham Borough Council and this document.

The application demonstrates that,

That there are no Article 4 Directions affecting the site

That there are no archaeological constraints affecting the site and no historical buildings

The occupiers will safe from the risk of flood and will not increase the risk of flooding elsewhere

That the buildings are structurally capable of conversion and the conversion works required, do not go beyond that which are necessary to convert the buildings to a residential use

There is no known risk of contamination across the site and should a precautionary approach be required, this can be conditioned prior to development commencing

That the proposal does not negatively impact the local highways network and that access to and from the site his safe for all users

That the proposed C3 Residential houses meet all of the relevant tests in relation to size, light and living standards for the occupiers

That there are no likely negative noise issues or receptors that will impact the amenity of future occupiers or those already living alongside the development

That no previous Prior Approval - Approvals have been implemented across the site

Accordingly the Council are invited Approve the prior approval application.

Submission Documents

Planning Statement

Block Plan

Location Plan

Existing Plan Barn A and Barn B

Proposed Plan Barn A and Barn B

Structural Engineers Report - Gurney Consulting

CIL form

Report by Acorus Rural Property Services July 2015

Officer Report Ref: 152333

Decision Notice Ref: 152333