

OFFICER REPORT

Application Number: 152333

Site: Glasspool Farm, Part Lane, Riseley, Reading

Expiry Date: 15/09/2015

Proposal: Application for prior approval for proposed change of use of three agricultural buildings to dwellinghouses (C3).

Property Description: Three existing barns on a farm.

Planning History: • None relevant.

Planning Constraints:

Countryside
SPA 5KM zone
Landfill Gas Consultation Zone

Consultees:

WBC Environmental Health: No comments received

WBC Highways: No objection.

WBC Drainage: No comments received.

APPRAISAL

1. Permitted Development:

It needs to be established whether the proposed change of use would fall within the parameters of Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

Class Q allows for development consisting of 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 (dwelling houses) of the Schedule to the Use Classes Order.

Development is **not permitted** by Class Q where:

- a) the site was not used solely for an agricultural use as part of an established agricultural unit— on 20th March 2013,
 - i. or 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,
 - ii. or in the case of a site which was brought into use after 20th March 2013,
 - iii. for a period of at least 10 years before the date development under Class Q begins;
- b) the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 450 square metres;
- c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 3;
- d) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- e) less than 1 year before the date development begins—an agricultural tenancy over the site has been terminated, and 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

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- f) 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;
 - II. or 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;
- g) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;
- h) the development under Class Q (together with any previous development under Class Q) would result in a building or buildings having more than 450 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;
 - (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);
- (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.

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.

Planning practice guidance

Paragraph 105 of the National Planning Policy Guidance provides guidance to the background and interpretation of parts of the GPDO, including Class Q.

Building structure

Permitted Development rights under Class Q assumes that the agricultural building is capable of functioning as a dwelling, recognising that this may include some building operations that would affect the external appearance of the building. It is not the intention of the permitted development rights to include the construction of new structural elements to the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.

No plans have been provided to show the proposed demolition of work, but a description has been submitted. The agent's statements do not describe how the barns would be partitioned. Each of the barns are understood to be former poultry houses, now redundant and used for storage.

A: The adjoining barn, linked by a walk way, is proposed to be demolished. The existing open areas of wall and proposed to be replaced. The roof is proposed to be removed and replaced. The windows and

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doors are proposed in the southern elevation. The demolition of the adjoining barn appears to allow amenity space for the proposed dwelling, and given its location its demolition is considered to be reasonable and necessary.

B: The walls are proposed to be retained and replaced. The roof is proposed to be removed and replaced. Doors and windows are proposed to face towards the north.

C: The walls are proposed to be retained and infilled where necessary. The roof is proposed to be replaced. Doors and windows are proposed to be inserted into the northern and southern elevation.

The demolition and alterations proposed are considered to be reasonably necessary in order to carry out the conversion, and would not relate to structural elements necessary for the proposed dwellings.

2. Conditions:

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, and
- (f) the design or external appearance of the building, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(a) Transport and highways impacts of the development Transport: The proposal would encourage additional traffic movement through the countryside along the single track road, Part Lane, but not the extent that it would result in issues of highway safety or congestion. The council's highways officers have not objected to the proposal.

(b) Noise impacts of the development: The site is not located adjacent to an existing dwelling, and each proposed dwellings would form parts of three separate cattle shed style barns, understood to be currently used as storage for farm vehicles and hay. Whilst not ideal, the existing use would not result in harm by way of noise pollution.

(c) Contamination risks on the site: Section 78A(2) of Part 2A of the Environmental Protection Act 1990(a) states that 'contaminated land' is any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land that (a) that significant harm is being caused; or (b) significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused. There do not appear to be any sources of contamination associated with the site, as observed on the officer's site visit and constraint searches. Environmental health has not objected to the proposal.

(D) Flooding risks on the site: Part (6) requires that the local planning authority consult the Environment Agency where development is within a critical drainage area. The site is located within flood zone 1 and not in a critical drainage area. There are no observed or reported flooding risks to the site.

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(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. The conversion of part of a barn residential use across three barns in close proximity would result in some conflict with the remaining use of the barns, understood to be in agricultural use. However, such conflict would not be harmful to residential amenity.

(f) The **design or external appearance** of the building and the provisions of paragraph W (prior approval) of this Part apply in relation to that application. No plans have been provided, but the likely materials have been described;

A: Walls: A mixture of concrete block work, brick and cladding
Roof: composite steel sheeting or zinc
Windows and doors: Southern elevation

B: Walls: Concrete and cladding to match existing
Roof: Composite steel sheeting or zinc
Windows and doors: Northern elevation.

C: Walls: Concrete block work, brick and cladding
Roof: Composite steel sheeting or zinc
Windows and doors: Northern and Southern elevation.

A condition has been imposed requiring further details of the proposed external appearance of the dwellings, in the interest of not harming the character of the area.

3. Community Infrastructure Levy

As the proposal is for residential development, it could be liable to pay the Community Infrastructure Levy (CIL). The CIL charge rate is calculated on the net additional floor space at £365 per square metre. As the change of use of the offices to residential would not result in any additional floor space, the proposal would not be liable for any CIL charge.

CONCLUSION

The development complies with the requirements of Class Q and the provisions of paragraph W, the application is recommended for approval subject to the following conditions and informatives:

Condition

1. The works hereby permitted shall not commence until detailed drawings of the proposed elevations have been submitted to and approved in writing by the local planning authority. The works shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure that the external appearance of the building is satisfactory.

Informatives

2. Please note that this decision solely represents the determination of the Local Planning Authority under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as to whether its Prior Approval is required in respect of the change of use. The applicant is advised to investigate whether consents or permissions under any other regulatory regimes are required.

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3. It is a requirement of section Q.1a, Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 that the building was solely used for an agricultural use as part of an established agricultural unit on or before 20th March 2013, or if the building was not in use on that date, when it was last in use. If this is not the case, the development would not be eligible to be considered under Class Q Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015.
 4. It is a requirement of section Q.2, Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 that the development shall be carried out wholly in accordance with the information that the developer provided to the Local Planning Authority received on 20th July 2015.
 5. It is a requirement of section Q.2, Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 that the development under Class Q(b) would not involve 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 dwelling house; and
 - (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);
 5. Paragraph 105 of the Planning Practice Guidance states that “ ... *it is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have this permitted right*”
 6. It is a requirement of section Q.2(3), Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.
4. **This decision notice does not grant building regulations approval.** If you need any advice regarding Building Regulations please do not hesitate to contact Wokingham Borough Council Building Control at building.control@wokingham.gov.uk or on 0118 974 6239.

Recommendation: Approval
Date: 14/10/2015
Case Officer: Katie Herrington

Recommendation agreed by: 
Position: Team Leader – Development Management
Date: 14/10/15.

REMEMBER - The earliest date for a decision on this application is: 12/08/2015