

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	253161
Site Address:	Manor Farm, Longwater Road, Finchampstead, Berkshire, RG40 3TS
Expiry Date:	9 March 2026
Site Visit Date:	16 January 2026
Proposal: Prior approval submission for proposed conversion of 2 no. agricultural barns to create 2 no. dwellings, with associated building operations.	

PLANNING CONSTRAINTS/STATUS

Water Utility Consultation Zones
Local Authorities
Affordable Housing Thresholds
Bat Roost Habitat Suitability
Borough Parishes
Scale and Location of Development Proposals
Farnborough Aerodrome Consultation Zone
Great Crested Newt Consultation Zone
Nuclear Consultation Zone
Borough Wards
Landscape Character Assessment Area
SSSI Impact Risk Zones
Thames Basin Heaths SPA Mitigation Zones
Great Crested Newt Consultation Zone Minor

PLANNING POLICY/LEGISLATION

Town and Country Planning Act 1990 (as amended)

Section 55	Provides that 'development' includes the carrying out of building operations on land, and 'building operations' includes structural alterations or additions to buildings.
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Section 57	Planning permission is needed for all development of land.
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Section 187a	Enforcement for breach of conditions
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The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Section 7	Prior approval applications: time periods for decision
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Article 3	In conjunction with Schedule 2, Part 3 Class Q grants planning permission for the change of use of buildings on agricultural units and former agricultural buildings to dwellinghouses
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Article 4	Provides that the planning authority may give direction to restrict the effect of Article 3
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PLANNING HISTORY		
App Number	Proposal	Decision
227/1949	Calf house buildings	Approved 16 June 1949
AG/2006/7094	Agricultural building	Approved 27 March 2006
AG/2010/1446	Agricultural barn (prior approval)	Approved 19 July 2010
AG/2011/2110	Irrigation reservoir (prior approval)	Approved 28 October 2011
AG/2011/2616	Irrigation shed (prior approval)	Approved 13 January 2012
CLP/2012/0189	20 polytunnels (1.85ha) (certificate)	Refused 25 April 2012
F/2011/2620	20 polytunnels (1.85ha), ditch and hardstanding	Approved 22 May 2012, subject to sheeting being installed January to June only (Condition 9)
F/2012/0039	Use of barn for two caravans for seasonal workers and installation of sewage treatment plant	Approved 3 October 2012, subject to a three year limit and use by EU Plants only
F/2013/1493	Plant irrigation frame (retrospective)	Approved 11 December 2013
VAR/2013/1489	Variation of F/2011/2620 by deleting Condition 9 to allow year round use	
152683	Variation of F/2012/0039 to remove the three year limit	Approved 26 November 2015
153434	3 agricultural cold store buildings	Approved 3 March 2016
160643	12 polytunnels (0.61 ha) (retrospective)	Approved 25 May 2016
161194	10 polytunnels (1.02ha) (retrospective)	Approved 15 June 2016
160655	Agricultural worker's dwelling	Approved 19 January 2017
191112	Erection of 25 polytunnels	Approved 10 October 2019
200719	Discharge of materials and landscaping conditions in 191112	Approved 14 April 2019
201428	Variation of 191112 to remove the requirement to remove polytunnels between July and December	Approved 11 September 2020
220967	Prior approval submission for the proposed Barn A, subdivided to form 3no. dwellings and Barn B, a single dwelling.	Refused 27/05/2022
250404	Prior approval submission for the proposed change of use of agricultural buildings to 2no. residential dwellings (Use Class C3).	Prior Approval Approval 15/05/2025
RELEVANT AND RECENT ENFORCEMENT HISTORY		
RFS Number	Matter	Decision
2013/00213	Polytunnels not removed in off season	No breach identified as allowed in June. Closed 20 June 2013.
2013/00221	Non-compliance with Condition 9 of F/2011/2620 (polytunnels not removed in off season)	Not expedient. Closed 5 July 2013. Application VAR/2013/1489 submitted.
2015/082570	Additional polytunnels	Application 152683 submitted and approved
2017/083380	Additional caravans on site	No breach. Closed 24 February 2017

2017/083575	Non-compliance of Condition 4 F/2012/0039	No breach. Closed 9 June 2017
2017/083576	Non-compliance of Condition 5 of F/2012/0039	No breach. Closed 9 June 2017
2017/083611	Additional caravans on site	No breach. Closed 6 July 2017
2017/083723	Provision of sewage treatment	Application submitted 9 August 2017
2017/083911	Additional polytunnels	No breach. Closed 13 October 2017
2017/083947	Additional polytunnels	No breach (in existence for more than 4 years). Closed 28 February 2019
2017/083948	Breach of Condition 3 of 153434 (inconsistent materials)	No breach. Closed 28 February 2019
2018/084096	Additional caravans on site	No breach. Closed 11 January 2018
2018/084338	Groundworks without permission	No breach. Closed 17 April 2018
2019/084829	Additional polytunnels	Planning application 191112 submitted and approved
2019/085381	Non-compliance with conditions	Discharge application 200719 submitted and approved
2024/089133	Dumping of large number of plant pots.	No breach. Closed 27/02/2024
2024/089688	Poly tunnels being built without permission.	Application submitted. Closed 02/10/2024
2025/090058	Poly tunnels being built without permission.	Application submitted. Closed 05/03/2025
2025/090704	Raising of land with plant waste.	Live case
2026/091152	Breach of Condition 14 of 241567 - (construction method statement).	Live case

CONSULTATION RESPONSES

Internal

WBC Environmental Health – No comments received.
WBC Drainage – No objection, subject to condition.
WBC Highways – No objection.
WBC CIL – CIL Liable
WBC Ecology – No comments received.

External

None.

REPRESENTATIONS

Parish/Town Council	No comment to make.
Ward Member(s)	No comments received.
Neighbours	No comments received.

PROPOSAL

The application involves the following:

- Conversion of existing 'Barn B' to accommodate one x 3 bedroom dwelling across one level.
- Conversion of existing 'Barn C' to accommodate one x 2 bedroom dwelling across one level.
- External works.

The application is made within the scope of a certificate of lawful use made under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The factors for consideration when assessing this application are whether or not the proposed development would fall within the parameters and restrictions of Class Q (agricultural buildings to dwelling houses) of the Use Class Order and the provisions of paragraphs Q.1 and Q.2 of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Note:

Permission 250404 for: 'Prior approval submission for the proposed change of use of agricultural buildings to 2no. residential dwellings (Use Class C3)' was approved on 15/05/2025. The difference between the approved scheme and the proposed scheme is the insertion of two rooflights in the pitched roof of Barn B and the insertion of three rooflights in the pitched roof of Barn C.

Since approval was granted, the state of Barn C has deteriorated, and the roof and all walls have been removed.

SITE DESCRIPTION

Manor Farm is a 36.3 hectare soft fruit farm roughly bounded by Jubilee Road, Dell Road, Lower Sandhurst Road, Cricket Hill and Longwater Road. The farm is readily visible in wider views from the north from Jubilee Road which sits at higher ground level than the farm.

On the farm are two areas of buildings – the central area of the farm (the location of this application), and towards the southern end of the farm. There are approximately 4.85 hectares of polytunnels concentrated in the southeastern corner of the farm and approximately 2.2 hectares on the south facing hill at the northern end of the farm. Open farmland, access tracks and reservoirs occupy the rest of the farm.

The farm is bound largely by hedgerows and trees with a sporadic collection of residential dwellings within the countryside interspersed around the edges.

PART Q.1 APPRAISAL

PART Q.1 APPRAISAL				
Town and Country Planning Act 1990 (as amended)			Yes	No
1	s.55	Does it constitute development?	✓	
2	s.191	Would it be contrary to an enforcement notice?		✓
3	s.187a Art.3 (4)	Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?		✓
The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)			Yes	No

4	Art.3 (5)	Are the building operations involved in the construction of the original building lawful?	✓	
5	Art.4	Is there an 'Article 4 Direction' in effect for the site?		✓
6	Sch.2 Q. (a)	Does it consist of a change of use from (i) a building that is part of an established agricultural unit and any land within that buildings 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 dwelling house? The site history shows that the Barn B was accepted as being in agricultural use as part of an established agricultural unit in the 2022 planning application (220967): 'Block B was being used as an ancillary aspect to the operations of the wider farm. It is therefore reasonable to conclude that the building has and is being used for agricultural purposes'.	✓	
7	Sch.2 Q. (b)	Does it consist of development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a)? No extensions are proposed to either Barn B or Barn C.		✓
8	Sch.2 Q. (c)	Does it consist of 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 (dwellinghouses) of that Schedule or to extend that building?	✓	
9	Q.1(a)	Was the site part of an established agricultural unit— (i) (i) on 24th July 2023, or (ii) (ii) where the site became part of an established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins? Page 8 of the submitted Planning Statement states that the site was, but is no longer, part of an established agricultural unit: <i>"The site was part of an agricultural unit prior to 24/07/2023, the previous submission and Officer's Report (220967) confirmed this. This has not changed since submission of the previous application. For clarity as Barn C was not assessed under 220967 this building was also part of the agricultural unit on 24/07/2023. No intervening non-agricultural uses or purposes have taken place in the buildings since this date".</i> From the site visit, there is no reason to dispute this.	✓	

10	Q.1(b)	In the case of a site that was (but is no longer) part of an established agricultural unit - (i) was the site part of an established agricultural unit on 24 th July 2023? (ii) where the site ceased to be part of an established agricultural unit after 24 th July 2023, was the site part of an established agricultural unit for a period of at least 10 years before the date development under Class Q begins? or (iii) since ceasing to be part of an established agricultural unit, was the site used for an non-agricultural purpose?	✓	
11	Q.1(c)	Would the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceed 150 square metres?		✓
12	Q.1(d)	Would the development under Class Q (together with any previous development under Class Q) within the original limits of an established agricultural unit result in (i) The cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouse) of the Schedule to the Use Classes Order exceed 10? (ii) The cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouse) of the Schedule to the Use Classes Order exceed 1,000 square metres?		✓ ✓
13	Q.1(e)	Is the site occupied under an agricultural tenancy (unless the express consent of both the landlord and the tenant has been obtained)?		✓
14	Q.1(f)	Less than 1 year before the date development begins, has (i) (i) an agricultural tenancy over the site been terminated, and (ii) (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?		✓ ✓
15	Q.1(g)	Has development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) been carried out on the established agricultural unit during the period which is 10 years before the date of development under Class Q begins?		✓
16	Q.1(h)	Would the development result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point, other than? (i) the extension of the bulding allowed by paragraph Q.1(i); (ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i)?		✓ ✓
17	Q.1(i)	Would the development under Class Q(b) results in an extension that—		

		(i) (i) has more than one storey? (ii) (ii) is sited anywhere other than to the rear of the building? (iii) (iii) extends beyond the rear wall of the existing building by more than 4 metres? (iv) (iv) has eaves the height of which exceed the height of the eaves of the existing building? (v) (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 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?	✓	✓
18	Q.1(j)	Would the development under Class Q(c) 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)? Since the site visit for permission 250404 on 04/03/2025, a further site visit was carried out for application 253161 on 16/01/2026 where it was evidenced that Barn C has fallen into disrepair and now has no walls or roof. While Barn B would meet the requirements of Q.1(j), Barn C does not meet the requirements as what would be required would amount to a rebuild as there is nothing to replace (no roof or walls). Therefore, the operational works necessary to facilitate the conversion of the barns would go beyond the scope of that which would fall within Q1(j) as the necessary works would	✓	✓

		result in the construction of materially different external walls and roof (Barn C). As Barn C does not meet the requirements of Q.1(j), Barn B also fails in this regard as the application is taken as one.		
19	Q.1(k)	Is the site is on article 2(3) land?		✓
20	Q.1(l)	Is the site is, or does it form part of— (i) a site of special scientific interest; (ii) a safety hazard area; (iii) a military explosives storage area?		✓
21	Q.1(m)	Is the site, or does it contain, a scheduled monument?		✓
22	Q.1(n)	Is the building a listed building?		✓
23	Q.1(o)	Would the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015(3) as read with the notes dated 19th May 2016 which apply to it?	✓	
24	Q.1(p)	Does the building have suitable existing acces to a public highway?	✓	

PART Q.1 APPRAISAL

Para Q.C states that development is permitted where 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.

The PPG states that ‘the right assumes that the agricultural building is capable of functioning as a dwelling’. The PPG goes onto state ‘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’.

As existing, Barn B has a floor area of approximately 77 sqm, and Barn C approximately 66 sqm which will be retained for conversion. Q.1(c) outlines a maximum floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 of the Schedule to the Use Classes Order exceed 150 sqm.

The PPG aligned to paragraph Q.1(j) refers to the installation or replacement of windows, doors, roofs, exterior walls and partial demolition to the extent reasonably necessary as example operations that can be undertaken to facilitate a conversion. While Barn B would require a new roof, insertion of fenestration and other associated works such as a drainage system, these works would be considered reasonably necessary to convert the barn. However, Barn C has no walls, cladding or roof resulting in only the skeletal frame remaining. Based on the site visit, the extent of the missing essential components means that the structures do not constitute buildings capable of conversion.

No structural report has been submitted to demonstrate that the buildings are structurally capable of functioning as a dwelling without significant new construction, exceeding the scope of works allowed under Class Q.

Therefore, the structural integrity of the existing concrete structure frame of Barn C is unknown, and as it is now not substantially enclosed by walls or a roof, it is not considered a building suitable for residential conversion within the requirements of Class Q. The absence of any walls and roof means the structure no longer functions as a building in any meaningful sense capable of conversion. The aged reinforced concrete portal frame shows signs of deterioration and weathering and would likely require substantial structural reinforcement, as well as the reconstruction of the external envelope, installation of a new roof and potentially new foundations.

Class Q permits specific building operations, including the insertion of windows, doors, roofs, and partial demolition, but does **not** permit works that constitute a new building. It is concluded that the likely works required to Barn C would cumulatively amount to substantial rebuilding which would not meet the requirements of paragraph Q.1(j).

Whereas, Barn B is in reasonable order to enable the conversion of the barn which comprises a steel frame and walls. The works that would be required would fall within the remit of works under Class Q permitted development.

Important caselaw on Class Q applications comes from *Hibbitt and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2853 (Admin). The essence of the dispute between the parties was whether the proposed conversion amounted to a rebuild. The claimant was unsuccessful in their appeal, with the judge concluding that an Inspector was correct in their analysis that the works needed for the conversion to a dwelling of a steel framed barn, which was roofed and open on three sides, went a very long way beyond what might sensibly or reasonably be described as a conversion.

Given the absence of fundamental structural elements such as walls and roof (Barn C) there is nothing to be replaced. Therefore, the works required would necessitate creating a residential structure almost entirely from new fabric. This goes beyond what is reasonably necessary to convert Barn C to a dwelling, such that it fails to meet Q.1(j).

The applicant should be aware that due to the deterioration of Barn C, the conversion of Barn C under permission 250404 would now not benefit from permitted development rights for Class Q of Part 3, Schedule 2 of the GPDO.

Regarding Barn B, while the metal sheeting walls forming the external elevations are proposed to be upgraded and clad in weatherboard cladding, this would not impact the overarching elevation's structural integrity which is formed by a steel frame, nor amass a 'new elevation' for the purposes of the order. The same applies to the roof which is constructed from a steel frame and beams in satisfactory condition. Although the roof has been removed, Class Q allows the installation of a replacement roof when it is considered reasonably necessary building works for the building to function as a dwellinghouse. In summary, Barn B would be considered to meet the requirements set out in Class Q of the GPDO.

PART Q.2 APPRAISAL

Q.1 (1)

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—

Transport and highways impacts of the development

The Council's Highways department raises no objection to the application on transport or highways grounds. The proposed site plan shows four on-site parking spaces which is acceptable. The Highways officer did request that if the parking is to be allocated, this should be labelled on the plan.

The Highways officer welcomed the addition of the proposed two low level bike shed hoops, however, did note that the applicant may wish to consider these being provided in the form of covered and secured provisions.

Noise impacts of the development

Comments were not received from the Council's Environmental Health officer. However, no objection was raised the Council's Environmental Health team during the consultation for application 250404 (comments received 09/04/2025). The officer raised no objection to the conversion of Barn B and C to two residential dwellings.

Externally, the site is part of a working farm, although noise levels from fruit picking are generally low level. Given the distances to nearby residential dwellings, there are no perceived impacts to or from the site.

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 is potential for ground contamination from the site's potential former agricultural/storage use and therefore may not be suitable for the proposed residential use. Phase 1 Geo-environmental appraisal report Ref: 83754R1 January 2025 has been submitted with the application. In summary, the overall risk to the on-site receptors can be described as 'Low to Moderate/Low in relation to the proposed redevelopment of the site.

Page 3 states 'An asbestos survey is recommended prior to any redevelopment/refurbishment works'.

It is unknown whether an asbestos survey was undertaken, although it is assumed not, given paragraph 5.29 of the Planning Statement which states:

"The report recommends that a proportionate programme of site investigation works and an asbestos survey be undertaken. Should it be required this can be conditioned".

As stated above, no comments were received from the council's Environmental Health team, however, the Environmental Health officer comments for permission 250404 (based on the same Phase 1 Geo-environmental appraisal report Ref: 83754R1 January 2025) stated:

"I can see no indication of historic land contamination, however as the site is not known and its historic use is not known. I also agree with the recommendation in the Geosmart report that a phase 2 intrusive site investigation should be undertaken as the proposal is for residential dwellings and the status of the ground must be certain".

Based on the previous Environmental Health Officer's comments, it is considered that the proposal has satisfactorily demonstrated the contamination risks of the site will be acceptable for intended residential use, subject to conditioning the recommendations set out in the GeoSmart Phase 1 Contaminated Land Assessment.

Flooding risks on the site

The site and access thereto is located within Flood Zone 1 and is well removed from the more susceptible Flood Zones 2 and 3. As a result, there is no perceived risk of flooding. The Council's Drainage Officer has raised no objection to the proposal, subject to a condition requiring details of the foul drainage system. Based on the officer's comments and given there is no change to the external footprint, there are no perceived drainage implications, subject to acceptable foul drainage details. This can be secured by condition in the event of any approval.

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 the Schedule to the Use Classes Order

Paragraph 109 of the Planning Practice Guidance (PPG) acknowledges that the terms 'impractical' and 'undesirable' are not defined within the General Permitted Development Order (GPDO). It advises that local planning authorities should apply their ordinary dictionary meanings when making an assessment. 'Impractical' is taken to mean something that is not sensible or realistic, while 'undesirable' suggests a proposal that would be harmful or objectionable.

The PPG further states that decision-makers should begin from the position that Class Q of the GPDO grants permitted development rights for the change of use from agricultural to residential. Nonetheless, there may be circumstances where the impact of the change cannot be reasonably mitigated. As an example of impracticality, the PPG refers to locations where a building is situated on top of a hill with no access to a road, or where essential services such as power, water, drainage, or gas cannot be provided.

In the case of the current application, none of the above concerns apply. The site benefits from an existing private access route that connects to the public highway, and there is no physical or topographical constraint (e.g., extreme elevation or isolation) that would render the conversion unrealistic or unachievable. While services such as electricity, water, and drainage are yet to be installed, there is no indication that their provision would be unfeasible. These are typical matters resolved at the implementation stage of development.

Similarly, the site is not located adjacent to any operations that would be considered 'undesirable' within the meaning of the PPG, such as intensive livestock farming, silage storage, or buildings housing hazardous materials or machinery. The location is not considered harmful or objectionable in planning terms.

The design or external appearance of the building

The proposed design of the buildings would not have a detrimental impact upon the character and interpretation of the buildings as agricultural buildings, retaining the simple architecture of the original barns.

Additional fenestration is appropriate to the design of the dwellings.

Moreover, the buildings will not be readily visible from the main public view-points, by virtue of a private access road, and will not appear as a significantly harmful, intrusive feature in the landscape, or the site's countryside setting from any vantage points.

The provision of adequate natural light in all habitable rooms of the dwellinghouses

There are no objections on these grounds.

The provisions of paragraph W (prior approval)

The following provisions apply where a developer is required to make an application for a determination as to whether the prior approval will be required.

(2) *The application must be accompanied by—*

- (a) *(a) a written description of the proposed development, which, in relation to development proposed under Class M, N or Q of this Part, must in the same application include any building or other operations;*
- (b) *a plan indicating the site and showing the proposed development;*

In relation to development proposed under Classes M, N, O, P, PA and Q of this Part, a statement specifying the net increase in dwellinghouses proposed by the development (for the purposes of this sub-paragraph, "net increase in dwellinghouses" is the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development);

In relation to development proposed under Class Q of this Part, a statement specifying—

- (i) *(i) the number of dwellinghouses proposed, and*
- (ii) *(ii) whether previous development has taken place under Class Q within the established agricultural unit and, if so, the number of dwellinghouses and the cumulative floor space developed under Class Q;";*

For the purposes of sub-paragraph (2)(bb)(ii), previous development within the established agricultural unit includes any development under Class Q that— (a) ceased to be part of the established agricultural unit after it was developed, or (b) was developed after the site ceased to be part of the established agricultural unit where any other site on the established agricultural unit had already been developed under Class Q;

In relation to development proposed under Classes M, N, O, P, PA and Q of this Part, a statement specifying the net increase in dwellinghouses proposed by the development (for the purposes of this sub-paragraph, “net increase in dwellinghouses” is the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development)

In relation to development proposed under Class M, N, O, PA or Q of this Part, a floor plan indicating the total floor space in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses;

- (c) the developer’s contact address;*
- (d) the developer’s email address if the developer is content to receive communications electronically; and*
- (e) where sub-paragraph (6) requires the Environment Agency to be consulted, a site specific flood risk assessment,*

Together with any fee required to be paid.

Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.

A Planning Statement has been submitted as part of the application process providing information along with the application form, relevant plans, fees and contact details.

The local planning authority may refuse an application where, in the opinion of the authority—

*the proposed development does not comply with, or
the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.*

Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult—

where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;

the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and

the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

The establishment of two dwellings does not represent a material change in the character of traffic in the vicinity of the site.

*Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency(8) where the development is—
in an area within Flood Zone 2 or Flood Zone 3; or
in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.*

The property is in Flood Zone 1 and does not have critical drainage problems.

The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

The necessary consultation has been carried out.

*The local planning authority must give notice of the proposed development—
by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—
describes the proposed development;
provides the address of the proposed development;
specifies the date by which representations are to be received by the local planning authority; or
by serving a notice in that form on any adjoining owner or occupier.*

Letters were sent to neighboring and/or adjoining residential and non-residential properties on 12th January 2026.

*The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—
assessments of impacts or risks;
statements setting out how impacts or risks are to be mitigated; or
details of proposed building or other operations.*

The Phase 1 Geo-environmental appraisal submitted in support of the prior-approval application is considered acceptable, subject to condition.

*The local planning authority must, when determining an application—
take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8);*

No representations were received with the exception of comments from the parish council who commented: "For information only - no comment".

have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019(3), so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and;

Case law has established that the local planning authority can only have regard to matters relevant to the subject matter of the prior approval. The following matters are considered relevant to the determination of this notification:

Thames Basin Heath Special Protection Area: - The provisions of the Habitat Regulations must be followed within a prior approval application. Section 75 to 78 of these Regs (The Conservation of Habitats and Species Regulations 2017) set out the process for general development orders (including prior approval).

Regulation 75 of the act states:

75— It is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which—

- (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 77 (approval of local planning authority).

Regulation 77 of the act states:

General development orders: approval of local planning authority

77.—(1) An application to the local planning authority for approval, as mentioned in regulation 75, must—

- (a) give details of the development which is intended to be carried out; and
- (b) be accompanied by—
 - (i) a copy of any relevant notification by the appropriate nature conservation body under regulation 76; and
 - (ii) any fee required to be paid.
- (2) For the purposes of its consideration of the application the local planning authority must assume that the development is likely to have a relevant effect.
- (3) The authority must send a copy of the application to the appropriate nature conservation body and must take account of any representations made by it.
- (4) If in its representations the appropriate nature conservation body states its opinion that the development is not likely to have a relevant effect, the local planning authority must send a copy of the representations to the applicant.
- (5) The sending of the copy of the representations to the applicant under paragraph (4) has the same effect as a notification by the appropriate nature conservation body of its opinion under regulation 76(4).
- (6) In any other case in which the application has been sent to the appropriate nature conservation body, the local planning authority must, taking account of any representations made by the appropriate nature conservation body, make an appropriate assessment of the implications of the development for the European site or European offshore marine site in view of that site's conservation objectives.
- (7) In the light of the conclusions of the assessment the local planning authority may approve the development only after having ascertained that it will not adversely affect the integrity of the site.

The application site is within 5km of the Thames Basin Heath Special Protection Area and the proposal is for two residential units. Appropriate mitigation would have been required and secured via planning obligation for both SANG and SAMN contributions, however, a s106 legal agreement has not been entered into at this stage. An informative has been added to highlight this.

in relation to the contamination risks on the site—

determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012(11), and if they determine that the site will be contaminated land, refuse to give prior approval.

See comments above.

Q.2 (2)

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.

As above.

Q.2 (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.

As above.

Q.2 (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.

Noted.

Conclusion

The proposed development fails to meet the requirements of Class Q of Part 3, Schedule 2 of the GPDO. Barn C comprising only a skeletal frame is not capable of conversion. The scale of works required would constitute a rebuild, exceeding those allowed under Class Q(c) and Q.1(j). The proposal therefore does not benefit from permitted development rights.

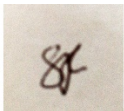
While Barn B is considered to meet the requirements of Class Q, Part 3, Schedule 2 of the GPDO, the application is taken as a whole. Therefore, Prior Approval for both barns is not available under this application.

The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION

Conditions agreed:	Not required
Recommendation:	Prior Approval Refusal
Date:	24 February 2026
Earliest date for decision:	2 February 2026

Recommendation agreed by: (Authorised Officer)	
Date:	3.3.26