

CLASS Q.1 & Q.2 APPRAISAL

Stokes Farm Barn #4
Binfield Road,
Binfield,
RG40 5PR

Q.1 Appraisal.

Town and Country Planning Act 1990 (as amended)

1	s.55	1 s.55 Does it constitute development?
		Yes - The proposal Complies
2	s.191	Would it be contrary to enforcement notice?
		No – The proposal complies
3	s.187a Art.3 (4)	Would it be contrary to any condition imposed by any planning permission granted or deemed to be granted?
		No – The proposal complies

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

4	Art.3 (5)	Are the building operations involved in the construction of the original building lawful?
		Yes - the proposal complies
5	Art.4	Is there an 'Article 4 Direction' in effect for the site?
		No – The proposal complies
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?
		(i) Yes – The proposal complies. The site history shows that the building has been in agricultural use as part of an established agricultural unit. Whilst the building is currently not in use, clearly no change has occurred. (ii) N/A This position was also taken by Planning Inspectorate in Appeal Decision: APP/X0360/W/23/333079. (Extracts below in italics) <i>9. The building, which is also referred to as the chicken shed within the evidence, was occupied until recently as part of a poultry farming operation. There is no evidence to indicate that the building was used for any purpose other than for agriculture since the 20 March 2013.</i> <i>10. The Council has drawn my attention to another building within the farm, which was granted planning permission for a commercial</i>

		<i>gym. Within the supporting documentation for this application, reference is made to other buildings on the farm which have been converted to uses other than agriculture.</i> <i>11. The buildings which are indicated to be used for purposes other than agriculture fall outside of the appeal site. The appeal site is not the same as the agricultural unit which is much more extensive in size. Even if I were to accept that uses other than agriculture, have or are taking place within other buildings within the farm, I am satisfied the appeal building falls within an established agricultural unit.</i> <i>13. Consequently, the proposal would constitute permitted development, with regard to whether the site was used solely for an agricultural use as part of an established agricultural unit, in accordance with Class Q. 1 (a).</i> There is no reason to dispute this. (Appendix A)
7	Sch.2 Q. (b)	Does it consist of development referred to in subparagraph (a) together with the extension of the building referred to in subparagraph (a)?
		N/A – No extensions are proposed.
8	Sch.2 Q. (c)	Does it consist of development referred to in subparagraph (a) together with building operations reasonably necessary to convert the building referred to in subparagraph (a)?
		Yes – The proposal complies The application is accompanied by Structural report and Statement of Fact by Roger Oliver BSc, CEng, MIStructE, dated April 2023. <i>‘It is confirmed that the existing structure is structurally satisfactory for its intended change of use from a farm shed to a residential building with limited building operations other than the installation of windows, doors, roof and exterior walls.’</i> The site was part of prior approval application (refused) 231260. Although the legislation relating to Class Q has since been updated, at the time of this application, the building was considered by LPA ‘....The sub frames has been described as structurally sound. The additional information provide with this application is sufficient to overcome the objections form previous prior approval submissions.
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?
		Yes – The proposal complies. This position was also taken by Planning Inspectorate in Appeal Decision: APP/X0360/W/23/333079. (Extracts below in italics)

		<i>13. Consequently, the proposal would constitute permitted development, with regard to whether the site was used solely for an agricultural use as part of an established agricultural unit, in accordance with Class Q. 1 (a).</i> <i>(see above Schedule 2 Q. c) (Appendix A)</i>
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 24th July 2023? (ii) where the site ceased to be part of an established agricultural unit after 24th 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? (ii) since ceasing to be part of an established agricultural unit, was the site used for an non-agricultural purpose?
		N/A
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 meters?
		No – (APPENDIX B) The proposal complies
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) (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) (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?
		No – (APPENDIX B) (i) The cumulative number of separate dwelling houses do not exceed 10 (ii) The cumulative floor space of dwelling houses having a use falling within C3 does not exceed 1000 m2. The proposal complies
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)?
		There is no agricultural tenancy – The proposal complies
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?
		There is no agricultural tenancy – The proposal complies
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?

		No works have been undertaken – The proposal complies
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 building 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)?
		(i) No extensions are proposed (ii) No protrusions of up to 0.2m to accommodate building operations allowed by paragraph Q.1 (j)(i) The proposal complies
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?
		No extensions are proposed – The proposal complies
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)?
		No – The proposal complies
19	Q.1 (k)	Is the site is on article 2(3) land?
		No – The proposal complies
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?
		No – The proposal complies
21	Q.1 (m)	Is the site, or does it contain, a scheduled monument?
		No – The proposal complies

22	Q.1.(n)	Is the building a listed building?
		No - The proposal complies
23	Q1. (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?
		Yes – The proposal complies (APPENDIX B)
24	Q.1 (p)	Does the building have suitable access to a public highway?
		Yes – The proposal complies

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 :-

See accompanying Transport and Highways statement (FSW2 – Transport Statement)

Previous refused applications (212706, 213795, 22051, 221948, 231260,241270)
Council Highways Engineer has raised no objection.

Noise impacts of the development

See accompanying Noise Impact Statement (FSW2 – Noise & Flood impact statement)

It is considered that a residential use would be unlikely to generate high levels of noise.

Contamination risks on the site

See Accompanying Contamination report - FSW2 Contamination Report

There is no potential contamination risks on site.

Flooding risks on the site

See Accompanying Flood statement (FSW2 - Noise & Flood impact statement)

The site is within Flood Zone 1 according to the Environment Agency Flood maps and therefore at low risk from flooding. Given that there would be no increase in the footprint of the building and there is already hard standing in place, it is not considered additional flood risk would occur as a result of the change of use.

Any issue of foul drainage is not an aspect that can be considered through the prior approval process and therefore no weight is afforded to this.

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

See accompanying Siting statement (FSW2 – Siting_Design_Light Statement)

There is space on site to allow the lawful use of the agricultural land to continue without there being an impractical relationship to the proposed dwelling.

The design or external appearance of the building

See accompanying Design statement (FSW2 – Siting_Design_Light Statement)

The buildings are proposed to be clad and whilst they would be utilitarian in appearance this would be broken up by the insertion of windows and doors. Given the rural character of the area, the external appearance is acceptable as in previous refused applications.

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

See accompanying statement (FSW2 – Siting_Design_Light Statement)

The submitted plans indicate the position of the windows openings would allow for the provision of natural light to the habitable rooms

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.

The application must be accompanied by—

a written description of the proposed development, which, in relation to development proposed under Class C, M, N or Q of this Part, must in the same application include any building or other operations;

(ba) a plan indicating the site and showing the proposed development;

*(bb) in relation to development under Class Q of this part, a statement specifying –
The number of smaller dwellinghouses proposed;*

The number of larger dwellinghouses proposed;

Whether previous development has taken place under Class Q within the established agricultural unit and, if so, the number of smaller and larger dwellinghouses developed under Class Q.

the developer's contact address;

the developer's email address if the developer is content to receive communications electronically; and

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.

Provided.

APPENDIX A



Appeal Decision

Site visit made on 8 August 2024

by R Lawrence BSc (Hons), PGDip (TP), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2024

Appeal Ref: APP/X0360/W/23/3330791

Stokes Farm, Binfield Road, Binfield, Wokingham RG40 5PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs S Baker against the decision of Wokingham Borough Council.
 - The application Ref is 231260.
 - The development proposed is Prior approval for proposed change of use of an agricultural building.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The proposal relates to works under Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO), for the change of use of part of an existing agricultural building to a dwelling (Use Class C3) with associated works.
3. The planning application form sets out the location of the site, amongst other matters, rather than describing the development proposed. I have therefore used the description of development set out on the appellants appeal form.
4. The Council's evidence makes reference to the National Planning Policy Framework (the Framework). In accordance with the GPDO, I have had regard to the Framework only in so far as it is relevant to the prior approval matters.
5. The Council refused to grant prior approval for two reasons, both relating to the conditions set out under paragraph Q.2 (1) of the GPDO. However, within its statement of case the Council also contends that the proposal would fail to accord with the requirements set out at paragraph Q.1 (a) of the GPDO.
6. Therefore, the main issues in this case are:
 - whether the proposal would constitute permitted development, with regard to whether the site was used solely for an agricultural use as part of an established agricultural unit (Class Q.1 (a)); and if the proposal is found to constitute permitted development,

- whether the design and external appearance of the building would be acceptable, and
- whether the location or siting of the development make it impractical or undesirable for the use of the building to change to a dwellinghouse, in terms of the standard of accommodation for future occupiers.

Reasons

Agricultural use

7. The building subject of the prior approval application is located within a large agricultural holding and is accessed by a track which also provides access to one other building.
8. Under paragraph Q.1(a), development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit on 20 March 2013, or when last in use, or – if brought into use after 20 March 2013 – for a period of at least ten years before the date that development under Class Q begins.
9. The building, which is also referred to as the chicken shed within the evidence, was occupied until recently as part of a poultry farming operation. There is no evidence to indicate that the building was used for any purpose other than for agriculture since the 20 March 2013.
10. The Council has drawn my attention to another building within the farm, which was granted planning permission for a commercial gym¹. Within the supporting documentation for this application, reference is made to other buildings on the farm which have been converted to uses other than agriculture.
11. The buildings which are indicated to be used for purposes other than agriculture fall outside of the appeal site. The appeal site is not the same as the agricultural unit which is much more extensive in size. Even if I were to accept that uses other than agriculture, have or are taking place within other buildings within the farm, I am satisfied the appeal building falls within an established agricultural unit.
12. I have been referred to an appeal decision at Brickyard Farm, East Sussex. That decision found that the relevant unit in that case was in a mixed use, and therefore the Inspector for that appeal was unable to conclude that the appeal site was agricultural land comprised in an agricultural unit. I do not have the full details of what was before that Inspector, however, that appeal related to a different part of the GPDO for which different requirements applied. The scheme is not directly comparable, and as such does not alter my findings in respect of the appeal before me.
13. Consequently, the proposal would constitute permitted development, with regard to whether the site was used solely for an agricultural use as part of an established agricultural unit, in accordance with Class Q. 1 (a). It is therefore relevant to consider the proposal against the conditions set out under paragraph Q.2 (1).

¹ LPA Ref 162067

Design and external appearance

14. The existing building has a low profile and is of a functional scale and design. It is a typical rural agricultural building which is in keeping with the surrounding farm landscape.
15. The external changes, which include a large amount of glazing, together with the modest curtilage around the building, would result in a domesticated appearance to the relevant portion of the barn. The addition of these openings would erode the functional appearance of part of the building, in sharp contrast with that to be retained.
16. There is limited detail on the submitted plans, however, the appellants clarify that the materials would be altered from existing and would comprise timber cladding and a zinc roof. It is indicated that the materials across the whole building, rather than just the part subject of the conversion, would be altered to provide a coherent appearance. However, no materials are specified on the submitted plans, and planning conditions could only be imposed where these are reasonably related to the subject matter of the prior approval. External alterations to parts of the building other than that being converted, would not meet this requirement. As such, there is no mechanism before me to secure the alterations.
17. The use of different materials across the two parts of the building, would add to the contrast in appearance between the proposed residential and agricultural parts of the building. This would have a jarring effect and would erode the rural agricultural character and appearance of the building.
18. In conclusion, the design and external appearance of the building would be unacceptable. This would conflict with the requirements of the Framework which seek to achieve well-designed and beautiful places through developments that are visually attractive and sympathetic to local character.

Standard of accommodation for future occupiers

19. The proposed residential dwelling would provide four bedrooms and generous living space. The unit would adjoin the remaining part of the agricultural building.
20. The retained portion of the agricultural building, whilst currently vacant, could be brought back into agricultural use. The nature of the access to this part of the farm would limit the size of vehicles and machinery which could access the barn, however, given its previous use for poultry farming, there remains the possibility that similar activities could take place in the future. There would be no controls over the level of activity which might be generated. This has significant potential to cause noise and disturbance to future occupiers of the same dwelling.
21. The siting of the proposed dwelling would be at the far end of the existing agricultural building. This would necessitate sharing the same access, and passing directly by, the retained part of the agricultural building. Effects by way of noise and disturbance would therefore affect the external approach to the building as well as the interior. Similarly, the external amenity space for the proposed dwelling would sit in very close proximity to the agricultural element of the building.

22. I have been referred to government guidance which provides direction on disease prevention for livestock and poultry. The proximity of the dwelling to any agricultural activity within the remaining agricultural building, would have implications for disease management due to the close contact between future occupants, and any pets, with any livestock within the remainder of the building. This raises practical issues and the potential for adverse effects from odour and nuisance from insects.
23. The appellants have suggested a condition, to restrict the use of the remaining part of the building, to preclude intensive forms of farming. In this regard my attention has been drawn to an allowed appeal², where such a condition was imposed. No details of this appeal have been provided, as such I am unable to establish whether that appeal is comparable to the scheme before me. In any event, the suggested condition is not sufficiently precise as to the type of uses that would be precluded. Furthermore, whilst the GPDO allows for the use of conditions reasonably related to the subject matter of the prior approval, the condition before me would not meet this test.
24. The appellants have highlighted a prior approval given at Glasspool Farm, Reading as well as a 2015 appeal decision³ which were found acceptable in terms of the standard of accommodation, despite a close proximity to an agricultural use. In both these cases, insufficient detail has been provided to enable a detailed comparison of the schemes. As such, these have not been determinative.
25. Given the above, the location and siting of the development make it undesirable for the use of the building to change to a dwellinghouse, in terms of the standard of accommodation for future occupiers.

Conclusion

26. For the reasons given above, the appeal is dismissed.

R. Lawrence

INSPECTOR

² APP/H0928/W/15/3028105

³ APP/B2355/W/15/3004955

APPENDIX B

Schedule of Accomodation													
STOKES FARM BARN #4					STANDARDS				COMPLIANCE +/-				
Reference	No.	m2	Bed. Widths m	NDSS GIA m2	WBDG GIA m2	NDSS Width m.	CLASS Q	NDSS GIA m2	WBDG GIA m2	NDSS Width m.	NDSS % 10(I)	CLASS Q	
TOTAL GIA	House 1 - 2b4p (inc. refuse cycle & plant)	116.6		95	87		150	21.6	29.6			33.4	
GIA	Lounge/Living/Dining	35.8			31				4.8				
10 (d) (e)	Bedroom 1	16.8	2.835		12	2.75			4.8	0.085			
10 (d) (e)	Bedroom 2	13.8	2.8		12	2.55			1.8	0.25			
10 (d) (e)	Study	12.6	2.55		12	2.55			0.6	0			
	REFUSE, CYCLE STORE & PLANT												
	Refuse	3.9											
	Plant	3.7											
	Cycle	4.3											
10 (i)	GIA below 2.3m	19.1											
10 (i)	% GIA below 2.3m	18.3									6.7		
TOTAL GIA	House 2 - 2b4p (inc. refuse cycle & plant)	117.9		70	83		150	47.9	34.9			32.1	
GIA	Lounge/Living/Dining	36.9			27				9.9				
10 (d) (e)	Bedroom 1	16.3	16.3		12	2.75			4.3	13.55			
10 (d) (e)	Bedroom 2	14.7	2.55		12	2.55			2.7	0			
	REFUSE, CYCLE STORE & PLANT												
	Refuse	3.9											
	Cycle	3.9											
	Plant	3.7											
10 (i)	GIA below 2.3m	12.4											
10 (i)	% GIA below 2.3m	11.7									13.3		
TOTAL GIA	House 3 - 1b2p (inc. refuse cycle & plant)	81.6		50	50		150	31.6	31.6			68.4	
GIA	Lounge/Living/Dining	25.3			23				2.3				
10 (d) (e)	Bedroom 1	16	2.75		12	2.75			4	0			
	REFUSE, CYCLE STORE & PLANT												
	Refuse	3.9											
	Cycle	3.9											
	Plant	3.7											
10 (i)	GIA below 2.3m	12.4											
10 (i)	% GIA below 2.3m	17.7									7.3		
TOTAL GIA	House 4 - 3b6p (inc. refuse cycle & plant)	137.4		95	87		150	42.4	50.4			12.6	
GIA	Lounge/Living/Dining	39.7			31				8.7				
10 (d) (e)	Bedroom 1	16.5	2.808		12	2.75			1.3	0.058			
10 (d) (e)	Bedroom 2	16.5	2.82		12	2.55			4.5	0.27			
10 (d) (e)	Bedroom 3	14.2	2.916		12	2.55			2.2	0.366			
	REFUSE, CYCLE STORE & PLANT												
	Refuse	3.9											
	Cycle	4.3											
	Plant	3.7											
10 (i)	GIA below 2.3m	30.6											
10 (i)	% GIA below 2.3m	24.4									0.6		
TOTAL GIA	House 5 - 3b6p (inc. refuse)	149.7		95	87		150	54.7	62.7			0.3	
GIA	Lounge/Living/Dining	54.8			31				23.8				
10 (d) (e)	Bedroom 1	20	2.85		12	2.75			8	0.1			
10 (d) (e)	Bedroom 2	18.4	2.8		12	2.55			6.4	0.25			
10 (d) (e)	Bedroom 3	18.2	2.775		12	2.55			6.2	0.225			
	REFUSE STORES												
	Refuse	3.4											
10 (d) (e)	GIA below 2.3m	36.4											
10 (i)	% GIA below 2.3m	24.9									0.1		
	Communal area(House 1 -4)	36.1											
	TOTAL BUILDING C3 GIA	678					1000					322	
	TOTAL BUILDING C3 GEa	712					1000					288	

References

NDSS	Nationally Described Space Standards (2015)
	Notes 19.5.2016 10 (d) (e) (i) - Technical requirement of the Nationally Described Space Standards
WBDG	Wokingham Borough Design Guide (SPD)
CLASS Q	GDPO Class Q Town and Country Planning Act 2024