

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	26.07.2022
Planning Development Manager authorisation:	JJ	01.08.2022
Admin checks / despatch completed	CC	01.08.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	01/08/2022

Application: 22/00963/COUNOT **Town / Parish:** Ardleigh Parish Council

Applicant: Mr Southgate

Address: Harveys Farm Old Ipswich Road Ardleigh

Development: Proposed conversion of existing agricultural barn to a single four bedroom residential dwelling.

1. Town / Parish Council (Summarised)

Ardleigh Parish Council The Council does not consider that this proposal complies with
15.07.2022 the emerging Ardleigh Neighbourhood Plan or TDC's Local Plan
Policy PP13
There is no suggestion that the conversion would be for the
benefit of agricultural or key workers or otherwise complies with
the above Policy

The application appears to be approved without a full application
process which would have enabled the Parish Council and our
residents to be fully consulted.

2. Consultation Responses (Summarised)

ECC Highways Dept The site has an established vehicular access via a single lane private
11.07.2022 driveway with passing bays that is shared with the farmhouse, and it
is not considered that the proposed dwelling would give rise to a
significant increase in vehicle movements to and from the site or
result in a material change in the character of the traffic in the vicinity
of the site. The proposal allows adequate room and provision for off-
street parking and turning, and therefore the impact of the proposal is
acceptable to Highway Authority subject to mitigation and conditions
in regard to loading and unloading materials, car parking area
provision and cycle parking.

Environmental Protection Contaminated Land: The EP team have reviewed the submitted Desk
23.06.2022 Top Study, dated 3rd May 2022 and are satisfied with the findings.
The EP team agree that ground investigations should be undertaken
within the proposed residential garden and drainage informative
added.

3. Planning History

92/00001/AGRIC	Agricultural Building	Determination	03.03.1992
94/00009/AGRIC	Agricultural lean-to extension to building	Determination	10.05.1994
94/00010/AGRIC	Agricultural lean-to extension to building	Determination	10.05.1994
95/01452/OUT	(Field 0913, Harveys Farm, Crown	Refused	20.02.1996

	Lane South, Ardleigh) One four bedroomed house		
96/00015/AGRIC	General Purpose Agricultural Building	Determination	25.06.1996
97/01568/LBC	Retention of conservatory	Refused	31.03.1998
01/00524/LBC	Replacement conservatory	Approved	06.07.2001
02/00465/AGRIC	Grain store	Determination	15.04.2002
02/00831/OUT	Erection of detached dwelling	Refused	24.06.2002
04/02205/AGRIC	New grain store	Determination	15.12.2004
09/01014/CMTR	Change of use of existing agricultural storage building to house concrete crushing machine and associated storage of rubble and concrete.	Determination	06.01.2010
11/00481/FUL	Erection of part single storey and part two storey rear and side extensions. Alterations to and conversion of detached garage/store to farm office	Refused	16.06.2011
11/00482/LBC	Erection of part single storey and part two storey rear and side extensions. Alterations to and conversion of detached garage/store to farm office	Refused	16.06.2011
13/00007/FUL	Erection of part single storey and part two storey rear and side extensions. Alterations to and conversion of detached garage/store to farm office	Approved	04.06.2013
13/00008/LBC	Erection of part single storey and part two storey rear and side extensions. Alterations to and conversion of detached garage/store to farm office	Approved	04.06.2013

4. Relevant Policies / Government Guidance

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

Technical housing standards – nationally described space standard (2015)

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the

Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal

Site Description

The application site is located towards the far end of the access track leading to Harvey's Farm from Crown Lane South and comprises of a large agricultural building, open to the front, containing agricultural machinery and vehicles. The building is used in conjunction with the farm business which operated on the site. There are a number of agricultural buildings to the north and west of the site, with Ardleigh reservoir to the east and Harvey's Farmhouse, which is Grade II Listed, further to the north.

The area is very rural in character and lies outside any defined settlement development boundary.

The site is not located within a Conservation Area and is sited within Flood Zone 1 which has a low risk of flooding.

Agricultural building evidence

Paragraph X of Section 2 Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) sets out Interpretation of Part 3 in terms of definitions etc. It states that for the purposes of Part 3:-

"agricultural building" means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and "agricultural use" refers to such uses;

"curtilage" means, for the purposes of Class Q, R or S only—

(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or

(b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser.

"established agricultural unit" means agricultural land occupied as a unit for the purposes of agriculture—

(a) for the purposes of Class R, on or before 3rd July 2012 or for 10 years before the date the development begins; or

(b) for the purposes of Class Q or S, on or before 20th March 2013 or for 10 years before the date the development begins;

Given the extensive history of the site and the current agricultural buildings and continued use on site, it is not disputed that the building which is the subject of this prior approval application is, or was an agricultural building within the definitions outlined above.

Assessment

Proposal

This application is submitted under Class Q, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 to determine whether prior approval of the Council is required for the change of use of an agricultural building (226sqm) into a residential dwelling (Class C3). (Officer assessment shown in bold text):

Class Q – agricultural buildings to dwellinghouses

Q. Development consisting of –

(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or

(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Q.1 Development is not permitted by Class Q if –

(a) the site was not used solely for an agricultural use as part of an established agricultural unit

(i) on 20th March 2013, or

(ii) 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, or

(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

The site is considered to have been used solely for an agricultural use as part of an established agricultural unit for farming on 20th March 2013. The proposal complies.

(b) in the case of –

(i) a larger dwellinghouse, within an established agricultural unit -

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

Interpretation: "larger dwellinghouse" means a dwellinghouse developed under Class Q which has a floor space of more than 100 square metres and no more than 465 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.

The proposed development has a floor space of some 226sqm and is therefore considered to be a larger dwellinghouse.

This is the only separate larger dwellinghouse on site. Therefore the proposal complies.

(c) in the case of –

(i) a smaller dwellinghouse, within an established agricultural unit -

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

Interpretation: "smaller dwellinghouse" means a dwellinghouse developed under Class Q which has a floor space of no more than 100 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order

No smaller dwellinghouses are proposed. Therefore the proposal complies.

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following –

(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

The current application would result in 1 no. larger dwellinghouse (not exceeding 465sqm) on site and no smaller dwellings houses are proposed, subject of a change of use under Class Q.

Therefore the proposed development under Class Q (together with any previous development under Class Q) within an established agricultural unit would not therefore result in either or both a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space, and the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5. The proposal complies.

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

The site is not occupied under an agricultural tenancy. The proposal complies.

(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;

An agricultural tenancy over the site has not been terminated within 1 year of this application. The proposal complies.

(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 –

(i) since 20th March 2013; or

(ii) 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;

No 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 since 20th March 2013 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. The proposal complies.

(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.

The development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point as per the submitted plans. The proposal complies.

(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);

Paragraph 13-105-20180615 of the Planning Practice Guidance (the PPG) states that the permitted development right under Class Q 'assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. 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 stated in the submitted Planning Statement, the works required to achieve the conversion comprise the removal of the external cladding of the roof and walls to the building, thereby stripping the building back to its structural frame, and the upgrading of the external shell of the building to meet current building regulations.

The submitted structural survey has identified various limitations:

5.2 Unless stated otherwise in the report, we have not disturbed any fixtures and therefore linings have not been removed. Coupled with this, we have not exposed the foundations or tested the drains to the property. We are therefore unable to report that such part of the property is free from defect.

5.3 We have not inspected parts of the structure, which are covered, unexposed or inaccessible and we are therefore unable to report that any such part of the property is free from defect.

5.4 The condition of the finishes, waterproofing, damp penetration and structural timbers, unless specifically referred to, are not the subject of this report. We would recommend the services of a specialist to cover these areas.

Furthermore the Structural Survey concludes that:

6.2 The loadings to the barn's roof will be slightly increased with the installation of an insulated cladding system etc. however the section sizes would appear to be suitable to support this marginal increase in load, subject to calculation. (No calculations provided)

6.3 Overall stability is currently provided by a combination of moment connections and high-level bracing. As part of the conversion works this may be enhanced by the provision of load bearing peripheral wall structures and internal cross walls.

6.4 The ground floor slab appears in a good condition where visible and is considered to be suitable for retention in a proposed conversion. This may need some form of retaining structure where above the surrounding ground levels.

6.5 The foundations have not been exposed as part of the investigation, however given the anticipated granular nature of the subsoils and that the foundations will not be subject to any significant increased loadings it is assumed that these will continue to perform satisfactorily. However, these will need to be exposed and assessed as part of the building

6.6 New foundations for external and internal load bearing walls will need to be provided in accordance with building regulations requirements, NHBC guidelines and to the approval of building control.

It is therefore considered that the development proposed under Class Q(b) would consist of extensive building operations and the Council cannot in all certainty be satisfied that the building is structurally able to be converted into a dwellinghouse, given the above.

The works which are proposed would go beyond what is reasonably necessary for the building to function as a dwellinghouse, and is over and above that permitted for Class Q as outlined above. Therefore in the absence of any evidence to the contrary the building is not considered to be capable of being converted to a residential use and would require significant rebuilding to be structurally suitable for habitable accommodation. The proposal therefore does not comply.

(j) the site is on article 2(3) land;

The site is not on article 2(3) land. The proposal complies.

(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;

The site is not nor forms part of a site of special scientific interest, a safety hazard area or a military explosives storage area. The proposal complies.

(l) the site is, or contains, a scheduled monument; or

The site is not, nor contains, a scheduled monument. The proposal complies.

(m) the building is a listed building.

The building is not a listed building. The proposal complies.

Conditions

Q.2 - (1) 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.
- (f) the design or external appearance of the building and
- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses

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

The site has an existing access from Crown Lane South, which is a single lane road with passing places which serves only Harveys Farm. The Highways Authority have no objection to the proposal. The dwelling can be served by two parking spaces to the front of

the new dwelling, in line with Essex Parking Standards and would utilise the existing hardstanding turning area. The proposal complies.

(b) Noise Impacts of the Development

The proposal would not result in any material noise impacts. The building is situated to the far end of the cluster of agricultural buildings and has open fields to the rear. There are no other properties nearby. Therefore, this criterion is met. The proposal complies.

(c) Contamination Risks on the Site

The application for Prior Approval is accompanied by a Geo-environmental desk study report, which is acceptable to the Council's Environment Protection team. Due to the historical agricultural use of the site ground investigations should be undertaken within the proposed site. A Phase 2 Site Investigation completed by a competent person, is required to be undertaken and submitted for approval prior to any groundworks commencing to minimise any contamination risks. This can be secured by condition. The proposal complies.

(d) Flooding Risks on the Site

The site is located within Flood Zone 1, which has a low risk of flooding. The proposal complies.

(e) Whether the Location or Siting of the Building is Impractical or Undesirable for the Building to Change

Paragraph 109 of the National Planning Practice Guidance states:

"When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant."

On this basis, the Local Planning Authority does not consider that the location or siting of the buildings would make it impractical or undesirable for the proposed change of use. The proposal complies.

(f) The Design or External Appearance of the Building

The works involved in the change of use would retain the overall character and appearance of the building, with the overall design dictated by the layout and appearance of the existing building. The resulting building would therefore have an acceptable visual impact on the character and appearance of the surroundings. The external materials proposed are:

Roof: Zinc Standing Seam Roofing - Colour, Grey
 Walls: Vertical / Horizontal timber cladding
 Rainwater goods: Black uPVC
 Windows and Doors: PPC Aluminium double glazed units - Colour, Grey

Therefore the Local Planning Authority does not consider that the proposed development will have any significant impact on the design or external appearance of the building.

The proposal complies.

(g) The Provision of Adequate Natural Light in all Habitable Rooms of the Dwellinghouses and space standards.

Habitable Rooms are defined as "any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms". The submitted drawings indicates that the habitable rooms in the converted building will have adequate natural light.

Nationally described space standards deals with internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the gross internal floor area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home and, in accordance with the NPPF, seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

The conversion of the existing agricultural building would provide a four bedroom dwelling and has a gross internal area of some 226sqm which is in excess of the required 117sqm as per the guidance. All bedrooms also exceed the requirements of the space standard requirements. This building complies.

6. Recommendation

Prior Approval Refused

7. Reason for Refusal

The proposal fails to comply with criteria (i) of Class Q Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended) and is considered to require extensive building works to enable the conversion of the agricultural building into a dwellinghouse.

8. Informatives

N/A

<p>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</p>		<p>NO</p>
<p>Are there any third parties to be informed of the decision? If so, please specify:</p>		<p>NO</p>