

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	08/06/18
Planning Development Manager authorisation:	AN	14/6/18
Admin checks / despatch completed	AP	19/6/18

BB

19/06/18

Application: 18/00714/COUNOT **Town / Parish:** Great Bromley Parish Council

Applicant: Mr A Lochore - A Lochore & Sons

Address: Holly Lodge Colchester Road Great Bromley

Development: Proposed conversion of two barns into two dwellings

1. Town / Parish Council

Great Bromley Parish Council No comment.

2. Consultation Responses

N/A

3. Planning History

16/01545/AGRIC	Proposed agricultural storage building.	Determination	20.10.2016
17/00594/FUL	Proposed cart lodge, garaging, and annexe including extension to domestic curtilage.	Approved	
17/00767/FUL	Change of use of agricultural land to domestic garden	Approved	26.07.2017

4. Relevant Policies / Government Guidance

N/A

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In

general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal

Proposal

The proposal is to change the use of two barns to Class C3 (Dwelling Houses) under the relaxed permitted development allowances as set out in Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015.

The proposed change of use would result in the creation of two dwellings. The resultant dwellings would have a cumulative floor area of 229sqm, dwelling one accommodating 3 bedrooms and dwelling two accommodating 2 bedrooms.

This is a "prior notification" under Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015. The applicant is seeking the Council's determination as to whether its "prior approval" is required for the change of use of the buildings to C3 (Residential).

Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 sets out that development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from use as an agricultural building shall not be permitted development where:

- (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 buildings were in use for agricultural purposes as part of an agricultural unit on the 20th March 2013. This criterion is therefore met.

(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;

- The floor space of the existing building changing use for Barn 1 totals approximately 144 square metres and is therefore classed as a 'larger dwellinghouse'.

The proposal will result in a total of 1 larger dwellinghouse with a total cumulative floor space of 144 square metres, and therefore meets the criterion.

(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;

- The floor space of the existing building changing use for Barn 1 totals approximately 144 square metres and is therefore not applicable to this criterion.

The floor space of Barn 2 changing use totals approximately 85 square metres, however is one dwelling and therefore meets the above criterion.

(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 total number of dwellings developed under Class Q is 2. The cumulative floor space amounts to 229sqm, remaining below the 465sqm threshold. Therefore this criterion is met.

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

- It is not occupied under an agricultural tenancy. Therefore this criterion is met.

(f) less than 1 year before the date development begins—

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

- No such agricultural tenancy has been terminated. Therefore this criterion is met.

(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 such development has been carried out. Therefore this criterion is met, although there is still an onus on the applicant to comply with criterion (g)(ii).

(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 extend from the existing building at any given point and therefore this criterion is met.

(h) the development under Class Q (together with any previous development under Class Q) would result in a building or buildings having more than 450 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

- The cumulative floor space of this proposal is 242 square metres, whilst there has been no previous development under Class Q. Therefore this criterion is met.

(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);

- The works required for the conversion of these buildings are not considered to be excessive, and will involve the inclusion of additional doors and windows, replacement roofing and infilling between structural columns, that of which would be expected for a proposal of this nature. Therefore the changes proposed are in accord with the items listed above and this criterion is met.

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

- The site is not on article 2(3) land. Therefore this criterion is met.

- (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, or does not form part of any of these interests or such areas. Therefore this criterion is met.

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

- The site does not include a scheduled monument. Therefore this criterion is met.

(m) the building is a listed building.

- The building is not listed. Therefore this criterion is met.

In addition to the above requirements, condition Q.2.(1) requires the Local Planning Authority to consider as to whether the following issues would require prior approval (accompanied by officer comments in italics):

(a) transport and highways impacts of the development,

- The plans show large areas to the front and sides of each building for parking/turning purposes, whilst there is sufficient room for the parking of two vehicles at each property. Further, access to both dwellings will be via an existing access point. There are no other material transport or highways impacts. Therefore, this criterion is met.

(b) noise impacts of the development,

- The proposal would not result in any material noise impacts. Therefore, this criterion is met.

(c) contamination risks on the site,

- The site is not located near to any land designated as contaminated land. Therefore, this criterion is met.

(d) flooding risks on the site,

- The building is not within designated Flood Risk Zones 2 & 3. Therefore, this criterion is met.

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and

- 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.

(f) the design or external appearance of the building,

The design will naturally see a conversion from the existing structures. However, the proposed changes include replacement roofing and additional doors and windows, which would be expected from such a proposal, whilst it will be well set back with a traditional use of materials including black weatherboarding and red brick to help maintain its rural appearance. 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 buildings.

Representations

Great Bromley Parish Council has not commented on the application.

There has been one letter of observation received, stating concerns if additional first floor windows to Barn 1 directly facing towards their property were to be applied for, and request a condition to this decision to reflect this. Further concerns are raised with regards to the roof light to the rear elevation of Barn 2, with a further suggestion for boundary fencing.

In answer to this, any future first floor windows would be subject to a separate planning permission as permitted development rights do not apply to dwellings approved under this prior approval process. No condition is therefore required on this occasion, whilst the highlighted roof light is sited 1.8m above floor level facing upwards, and will therefore not result in overlooking.

With regards to proposed fencing, this is not a material planning consideration for this application, but please note that fencing measuring no greater than 2m in height can be erected to a boundary not adjacent to a highway without the need for planning permission.

Conclusion

Having regard to the above it is considered that the change of use of the agricultural building to C3 (dwellinghouse) does not require Prior Approval, as it would meet the requirements set out in Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

6. Recommendation

Prior Approval not required.

7. Conditions

8. Informatives