

15th July 2020

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Dear Sirs

CROCKWELL FARM, GREAT BOURTON, OXFORDSHIRE

PRIOR APPROVAL APPLICATION FOR CHANGE OF USE FROM AGRICULTURAL TO RESIDENTIAL (C3)

CLASS Q, Town and Country Planning (General Permitted Development) Order 2015 (as amended)

On behalf of my client, Crockwell Farm LLP, please find enclosed a Prior Approval Application under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the 'GPDO'). This submission relates to the change of use of existing farm buildings into a single residential dwelling (use class C3).

This application is submitted in respect of the provision of **Class Q a) only**. As such this application seeks 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 that Schedule to the Use Classes Order.

The application is accompanied by the following documents:

- Duly completed application form
- Covering letter
- Location plan
- Site Plan
- Existing drawings
- Structural Survey

The application fee of £96 has been paid during the submission through Planning Portal.

CONTEXT AND BACKGROUND

The Site is found in the rural village of Great Bourton, Oxfordshire, which is identified as a 'Satellite Village' within the Cherwell District. Great Bourton is approximately 3.3 miles north of Banbury. The wider site comprises an area of approximately 3.4 hectares of land formally associated with Crockwell farm and is located to the north of the village, at the outer limit of the village at the end of Manor Road.

There is a number of dilapidated and disused buildings, all of which are directly associated with the formal agricultural use. The buildings would have previously been used as a part of a single agricultural unit, but the farm is no longer a working enterprise.

The original farmhouse - Crockwell House - is a Grade II listed building (Historic England Ref.: 1215873). The farmhouse and its associated gardens (located to the west of the House) do not form part of the application site. However, due to its proximity to the application site, the some of the farmyard buildings are considered to be curtilage listed by association. The application building, however, was built in 1990s and as such Section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply to the application building, or any building on wider site which was erected after 1st July 1948. As such, the application building is not, and cannot be considered to be, a listed building (or a curtilage listed building by association).

The site does not form part of any statutory or non-statutory designated areas, and is not located within a Conservation Area. There are no Tree Preservation Orders ("TPOs") on site or in its vicinity.

Planning History

The wider site has the following planning history.

- LPA Ref.: 16/00609/OUT – proposed residential development of 3no. dwellings – Permitted by decision notice dated 11th July 2016; and
- LPA Ref.: 19/00250/OUT – Outline Residential development of 3no. dwellings (Re-submission of approved application 16/00609/OUT) - Permitted
- LPA Ref.: 20/01523/DISC – discharge of pre-commencement conditions no. 5 and 6 of an outline planning permission 19/00250/OUT – awaiting decision
- Reserved Matters Application (Phase 1) & Listed Building Consent – Conversion of a former agricultural barn - details reserved by condition 1 of the outline planning permission 19/00250/OUT-

APPLICATION SITE

The application site consists of a modern steel framed barn which is located on the edge of the Crockwell House Farm boundary. The historic maps indicate that this structure replaced two smaller barns in the same location and that this was done within the period of time between 1989 and 2003, as the maps from 2003 show the existing structure.

The building, which is subject to this application for a change of use from agricultural to residential use (Use Class C3), has a flat concrete floor, and lower portion of walls are made of concrete blockwork. The upper portion of the walls, and the roof covering are formed of cladding materials.

The application building is surrounded by an open agricultural field to the north and east. On the southern western side, the building forms part of the former farmyard. There is a lean-to structure attached to the application building, which is made of telegraph poles and corrugated steel sheeting. This structure will be demolished.

CLASS Q TESTS

Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order (2015) (GPDO) has two individual elements. The Class Q a) allows for the change of use of agricultural buildings to C3 (dwelling house), while Class Q b) allows for the building operations considered reasonably necessary for this change of use to be carried out.

This prior notification application is submitted in respect of the provision of Class Q a) only.

There are a number of criteria that must be satisfied for the permitted development rights to apply.

Paragraph Q.1 states that 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 has been in sole agricultural use before 20th March 2013. The aerial images below illustrate the gradual decay of the farm as the agricultural activity stopped.

Figure 1 demonstrates that the farm was still operational in 2006 as the majority of the buildings have roofs and evidence of agricultural activities is also visible.



Figure 1 – Aerial image from **December 2006** (Source: Google Earth Pro)



*Figure 2 – Aerial image from **June 2009** (Source: Google Earth Pro)*



*Figure 3 – Aerial image from **2017** (Source: Google Earth)*

Figures 2 and 3 illustrate the slow decline of agricultural activities on site, and rapid dereliction of some of the older buildings on wider site.

The site was last in use as an agricultural building before March 2013 as demonstrated on the images above.

- 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 proposal seeks a change of use into a single large dwelling house. The cumulative floorspace of the existing building does not exceed 465 square metres. As indicated on the Proposed Site Plan drawing no. 20.08.03.20, the existing building, which is to change use to a larger dwelling house, has a footprint of 277 sqm. All remaining structures will be removed.

Once the mezzanine floor is inserted, the cumulative floorspace will be 436 sqm, which falls within the maximum threshold. As such, the proposal accords to the prescribed limitations.

- 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;*

No smaller dwellinghouses are proposed on site

- 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 proposal would result in a single dwellinghouse falling within the threshold of a larger dwellinghouse.

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

- 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*

There are no agricultural tenancies associated with the site.

- 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 the Schedule was carried out since 20th March 2013.

- 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;*
 - 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 proposal is supported by Structural Survey which demonstrates that the application building is in serviceable condition with only some minor repairs required. The building is noted to be defect free, and no structural defects have been identified.

The Survey concludes that the building is capable of being a fully enclosed building with no need for any strengthening. The load path from roof to ground can be kept the same as in its current form. All of the structural fabric can be retained, and thus making this permanent and substantial agricultural structure suitable for conversion to an alternative use.

The existing asbestos sheeting and cladding are to be replaced throughout, and insulation will be inserted internally in both the roof and walls. This will assure that the development will not result in the external dimensions of the building to extend beyond the external dimensions of the existing building.

The lean-to structure that is made of telegraph poles and haphazard sheeting will be demolished.

- i) *the site is on article 2(3) land;*

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

- j) 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;
- k) the site is, or contains, a scheduled monument; or
- l) the building is a listed building

The site is not, or forms a part of, any of the above.

For avoidance of doubt, the following figures 4 to 7 indicate the evolution of the application site. It is evident that the application building was not in situ before 1948 and as such the building is not a listed building and would not qualify to be a 'curtilage listed building by association'.

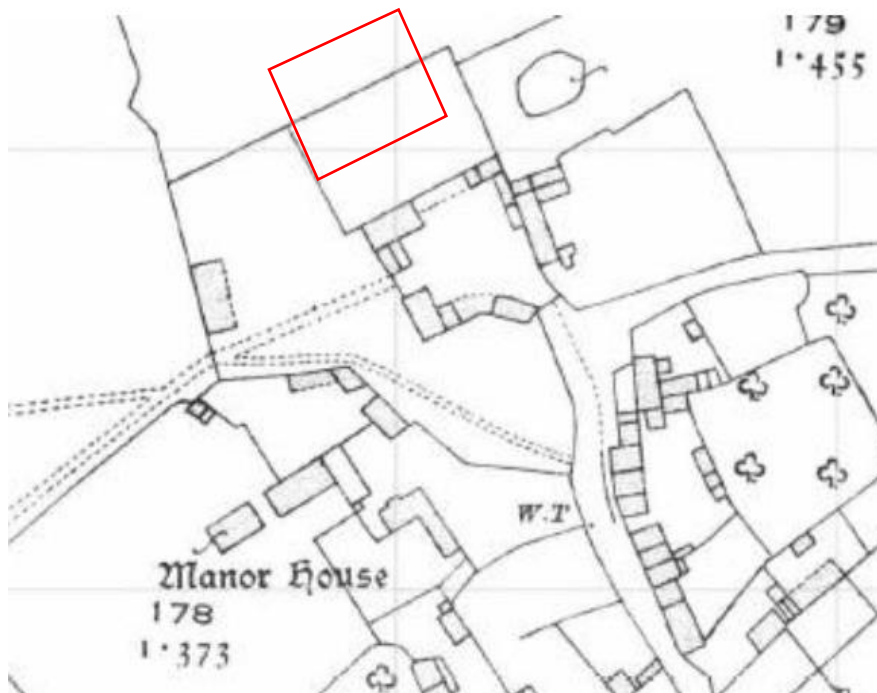


Figure 4 – extract from OS 1922 1:2500 map (current application site indicated in red)

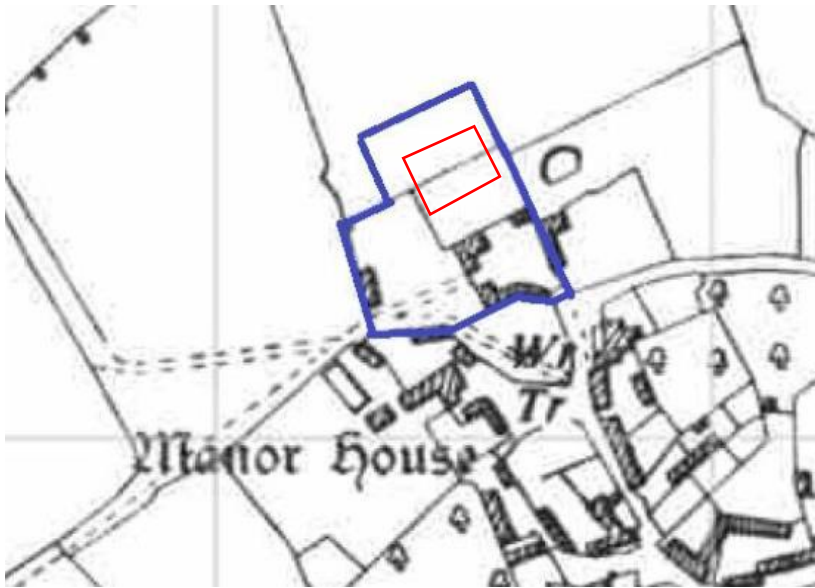


Figure 5 – extract from the **1955** 1:10560 OS edition (current application site indicated in red)

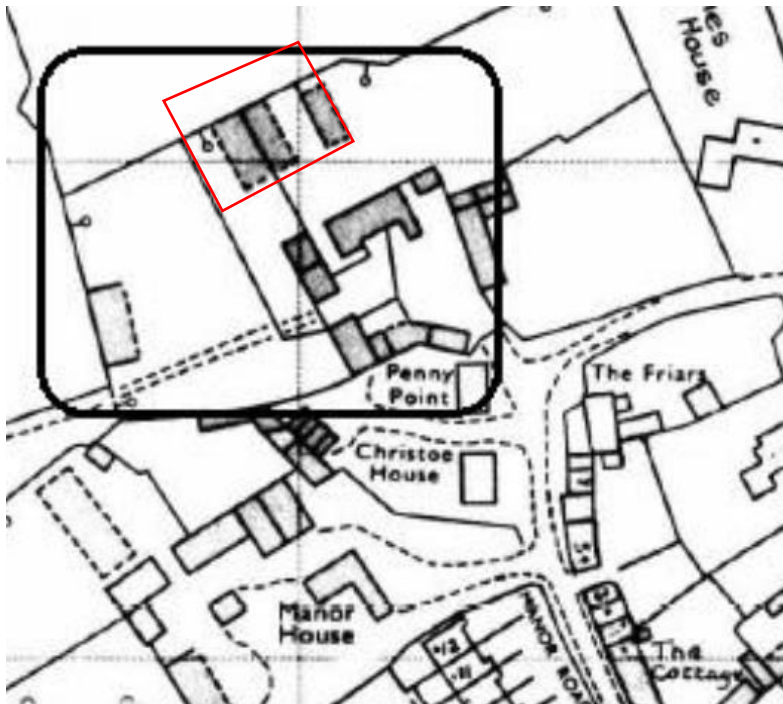


Figure 6 – extract from the OS **1989** 1:2500 map (current application site indicated in red)



Figure 7 – extract from the OS **2003** 1:1250 map (cluster of existing buildings indicated in red)

Paragraph Q.2 places conditions upon such permitted development namely that before development commences, the developer shall apply to the LPA for determination as to whether the prior approval of the LPA will be required as to:

- a) *transport and highways impacts of the development;*
- b) *noise impacts of the development;*
- c) *contamination risks on the site;*
- d) *flooding risks on the site;*
- e) *whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and*
- f) *the design or external appearance of the building.*

These are addressed separately in the section below.

Paragraph W highlights that for the purposes of Class Q, 'curtilage' means:

- 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,

The curtilage of the individual buildings is no larger than the land area occupied by the agricultural building.

Planning Practice Guidance

Paragraph 05 Reference ID: 13-105-20180615 of the Planning Practice Guidance is concerned with the extent of works permitted under the Class Q. It states:

“The right allows either the change of use (a), or the change of use together with reasonably necessary building operations (b). Building works are allowed under the right permitting agricultural buildings to change to residential use: Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. However, the right 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.”

It is further stated that *“Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.”*

For avoidance of doubt, this application is submitted in respect of the provision of Class Q a) only. As such this application seeks 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 that Schedule to the Use Classes Order. As such, the detailed drawings dealing with the operational development will be submitted once the principle of residential use is formally established.

CLASS Q CONSIDERATIONS

As noted above, Paragraph Q.2 requires the developer to apply to the LPA for determination as to whether the prior approval of the LPA will be required. Each of the individual considerations is addressed in turn.

a) Transport and Highways

The site is accessed through an existing access point from Manor Road. This access also serves development permitted by an outline planning permission LPA Ref.: 19/00250/OUT. Condition 5 attached to this outline planning permission demands full details of improvements to the means of access between the land and the highway (including position, layout, construction, drainage and visions splays) to be submitted to, and approved in writing by the Local Planning Authority. The relevant details were submitted for consideration and approval by the Council in June 2020 and are currently under consideration (LPA Ref.: 20/01523/DISC)

The future dwellinghouse will benefit from the above access improvements.

The application site is located within Great Bourton settlement and as such, the proposed change of use into a single dwelling will not result in a material increase in traffic, or in a material change in the character of traffic in the vicinity of the site.

The proposal will provide appropriate parking provision. It is envisaged that the parking for at least two vehicles will be integrated within the building in form of an internal garage.

The proposal therefore does not conflict with the criterion a) of class Q of the GPDO (2015) in terms of transport and highways impacts.

b) Noise impacts

Application building is detached from its immediate neighbour property – the Crockwell Farmhouse, a grade II listed building.

The outline planning permission LPA Ref: 19/00250/OUT establishes a principle of residential development for 3no dwellings on land which sits between the steel framed barn, and Manor Road. As such, the proposed change of use from agricultural to residential use will not have significant harmful impact on the existing residents of Crockwell Farmhouse, or the future occupiers of the development in respect of noise.

The proposal therefore does not conflict with criterion b) of Class Q of the GPDO (2015) in terms of potential noise impact on future occupants.

c) Contamination

Both the steel framed barn, and its lean-to additions are clad in sheeting, some of which may contain asbestos. All existing roof and wall cladding sheeting will be safely removed and replaced by other more suitable materials. The removal of this highly polluting material from the site is one of the major benefits of this application.

No other sources of contamination have been identified on site within the application site. This is due to the fact that the barn has a solid concrete floor slab which is free from significant defects according to the Structural Survey. As such, the risk of contamination on site from the previous agricultural activities is negligible.

The proposal therefore does not conflict with criterion c) of class Q of the GPDO (2015) in terms of potential contamination risks on the site.

d) Flooding

According to Environmental Agency flood maps, the site is located in Flood Zone 1 – an area with low probability of fluvial, pluvial and surface water flooding.

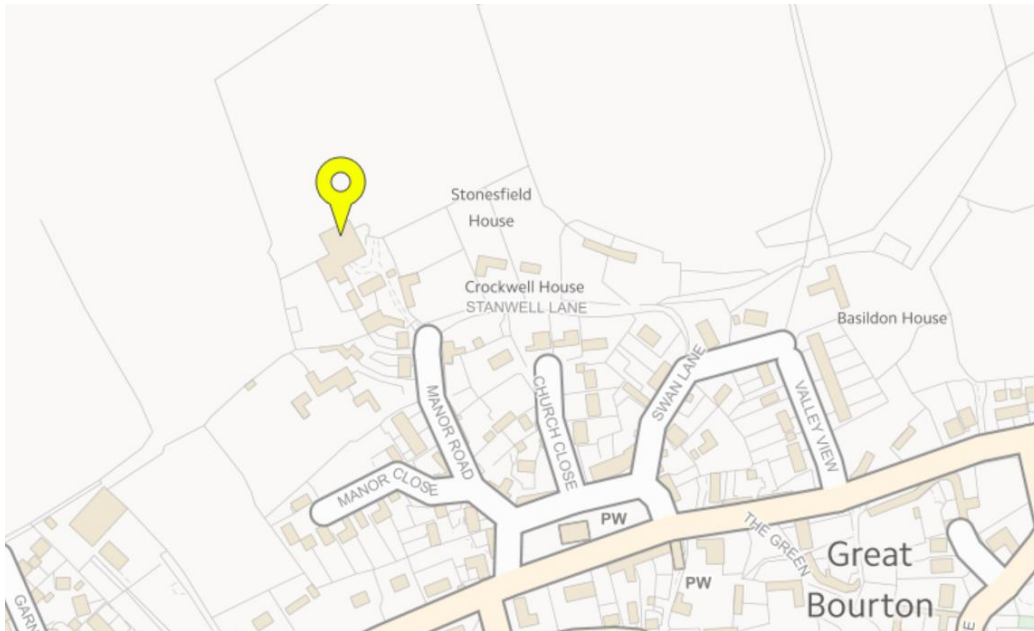


Figure 8 – Extract from Environmental Agency flood maps

As such we do not consider flooding to be an issue for the proposed development. Consequently, the scheme does not conflict with Class Q of the GPDO (2015) in terms of flooding risks on site.

e) Comparability Considerations

Criterion e) of paragraph Q.2 requires Local Planning Authorities to consider whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural to residential use.

The terms 'impractical' or 'undesirable' are not defined in the regulations, yet Local Planning Authorities should apply a reasonable ordinary dictionary meaning in making any judgement. Planning Practice Guidance makes it clear that the location of the agricultural building in a location, where the LPA would not normally grant planning permission for a new dwelling, is not a sufficient reason for refusing prior approval.

As previously noted, the wider site benefits from an outline planning permission for 3no dwellings. As such, the existing steel framed barn will be surrounded by residential dwellings and their gardens. It cannot therefore be said that the proposed use would be 'incompatible' in this location. The conversion of the steel framed barn into residential accommodation will not have a negative impact on either existing or future neighbouring uses. Consequently, the future occupiers won't be negatively affected by surrounding land uses.

In this context, the building is suitable for the change of use proposed, and its siting and location do not make it otherwise impractical or undesirable to be changed into a residential dwelling.

f) The design and external appearance

Where the development proposed is development under Class Q (a) only, development is permitted subject to the condition that before beginning other 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 subparagraphs (1)(a) to (e) and the provisions of paragraph W (prior approval) of the Part apply in relation to that application.

As previously noted, this prior notification only relates to the provision of Class Q (a) only, and as such the details of the design and external appearance of the building are not submitted for consideration. Once the principle of the residential use is firmly established, the developer will seek a further approval of the external appearance of the building.

Summary

The information set out above, and in the accompanying documents and plans, demonstrates that the proposed change of use accords with the requirements of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Conclusion

As set out in Class Q (a) of the GDPO, a change of use from agricultural to residential (C3) use can be granted subject to the acceptability of the number of criteria, including transport and highways, contamination, noise and flooding risks on site, and general compatibility of uses. It has been demonstrated throughout how the proposal addresses all of the relevant criteria.

Number of technical drawings and a structural survey accompany this application. These documents demonstrate that the building is suitable and capable of residential conversion without the need for substantial re-building or additions.

In accordance with the provisions set out in Class Q (a) necessary to grant Prior Approval, the property is not located on Article 2(3) land. The application does not relate to a Scheduled Monument and does not form any part of safety hazard area.

It is therefore respectfully requested that the Prior Approval is granted.

Yours sincerely



**Alena Dollimore BA (Hons) MSc MRTPI
Planner
For Ridge and Partners LLP**