

15th December 2021

Planning Department
Sent via Email

Regent House
65 Rodney Road
Cheltenham
GL50 1HX

01242 230066
www.ridge.co.uk

Dear Sirs,

Prior Approval Notification: Proposed building operations reasonably necessary for Crockwell Barn to function as a single dwelling-house (Use Class C3) at Crockwell House Farm, Manor Road, Great Bourton.

This letter accompanies an application for Prior Approval to carry out the building operations reasonably necessary for Crockwell Barn to function as a dwelling house (C3 use) in accordance with **Class Q (b)** of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (2015) (GDPO), and as amended in the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018.

The following documents accompany this application:

- Duly Completed Application form
- Site Location Plan
- Existing Site Plan
- Proposed Site Plan
- Floor Plans and Elevations produced by Blake Architects
- Proposed floorplans and elevations produced by Blake Architects
- Design and Access Statement produced by Blake Architects
- Visual Perspectives produced by Blake Architects
- Structural Survey produced by AB Design Solutions Ltd
- Structural Strategy by Blake Architects (informed by AB Design Solutions Ltd)

Site and Surroundings

The appeal site is located at the northern edge of Great Bourton, and forms part of a former Crockwell House Farm. Great Bourton 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 formerly 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.

The wider site is occupied by a number of dilapidated farm buildings and barns, some of which are curtilage listed by association with Grade II listed Crockwell House (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, 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.

The site is located in Flood Zone 1 – an area with low probability of fluvial, pluvial and surface water flooding.

The site is accessed through a single improved access point from Manor Road. The details relating to the improved access were formally discharged and implemented under 20/01523/DISC. Further planning history details are covered within this letter.

Application Building

The application site consists of a 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 application building is surrounded by an open agricultural field to the north and east. There is a lean-to structure attached to the application building, which is made of telegraph poles and corrugated steel sheeting. This has been used as part of the agricultural function but is to be demolished.

The barn itself is enclosed with one of the bays remaining open for access as seen in Figures 1. The roof consists of corrugated sheeting. The side walls are clad in corrugated sheeting and timber cladding to various degrees of coverage as seen in Figure 2. The building 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 building also benefits from secure full bearing footings.

The barn is relatively well contained with post and rail fencing running along the northern eastern boundaries, offering a degree of separation from the agricultural fields to the north and east.



Figure 1 – Existing Southern Elevation of Application Building



Figure 2 – Existing Western Elevation of Application Building



Figure 3 – Fencing on site (north)



Figure 4 – Fencing on site (east)

Planning History

The building itself has the following planning history:

- LPA Ref.: 20/01902/Q56 – Change of use to existing farm buildings into a single residential dwelling (use class C3) – Refused by decision notice dated 16th July 2020.

This application has successfully been appealed with the Inspector allowing the permission for the change of use from an agricultural building to a residential dwelling. In sum the Inspector concluded that *“on the evidence I find that it has been reasonably demonstrated that the building has been used solely for agricultural purposes and there is no conflict with Part Q.1 to indicate that it is ‘development not permitted’”*.

- LPA Ref.: 21/02926/Q56 - A subsequent application for Class Q (a) and (b) was refused by decision notice dated 19th October 2021. The reason for refusing was issued as follows:
“Alterations are proposed that would go beyond the building operations permissible under Class Q, which would result in the external dimensions of the building extending beyond the external dimensions of the existing building, and which are considered not “reasonably necessary for the building to function as a

dwellinghouse", and the applicant has not demonstrated that the works required to facilitate the building's use as a dwelling would not be so extensive as to constitute a rebuilding of the existing building, which is permitted under Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposed development therefore does not comply with the provisions of Class Q.1 (h) and (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore requires planning permission".

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 by decision notice dated 5th April 2019; and
- LPA Ref.: 20/01523/DISC – Discharge of pre-commencement conditions no. 5 and 6 of an outline planning permission 19/00250/OUT – Permitted by decision notice dated 6th August 2020; and
- LPA Ref.: 20/01726/REM - 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 – Permitted by decision notice dated 21st October 2020.

Building Structure

The Structural report confirms that the building is capable of being fully enclosed with no need of further strengthening. All proposed elements are considered acceptable under permitted development rights as per Paragraph 105 (Reference ID: 13-105-20180615) of the National Planning Policy Guidance¹.

The Structural Survey submitted alongside this prior approval application confirms that:

- All existing primary steelwork will remain, without requiring any modification or strengthening;
- Nearly all existing secondary steelwork members will remain (over 85%), with the exception of alterations that are deemed reasonably necessary to facilitate the residential use, i.e., the insertion of windows;
- New openings will be located where there are existing large openings;
- Existing ground floor concrete slab to remain;
- Load path of building unaltered, keeping the character and structure of the building;
- No strengthening work required to existing members; and
- Partial re-use of existing wall cladding, with similar cladding to be used where there is currently a deficiency.

Overall, the Structural Report confirms that the existing structure will continue to carry the load of the external envelope, including the roof covering, wall cladding and ground floor finishes. The re-utilisation of all these elements confirms that the proposed building operations represent a true conversion of the building with all of the existing primary structure remaining unaltered, with only minor local alterations to the secondary structure.

It is also summarised that the designs proposed are sympathetic to the retained structure of the building. The building is an enclosed permanent and substantial steel framed structure, with a floor and sidewalls. Whilst the building envelope requires some alteration to the secondary structural members for the insertion of windows and

¹ Appendix 1

doors, we confirm that these do not alter the structural integrity of the building and are reasonably necessary to convert the building into residential use.

Proposed Building Operations

Full details relating to the design, scale, appearance and access to the proposed dwelling are contained within the Design Statement prepared by Blake Architects.

The proposed building operations to facilitate the residential development are as follows:

- Minor existing floor repairs required locally.
- Floor edge beams in board of columns.
- Inclusion of windows and doors, in keeping and complementary of the agricultural character.
- Inclusion of internal walls.
- First floor and internal structural works to facilitate the first floor.

Internal works are not generally development, however Paragraph 105 (Reference ID: 13-105-20180615) of the National Planning Policy Guidance (NPPG) confirms that **“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”**.

In addition, Paragraph 105 confirms that 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.

The windows and openings have been proposed to ensure sufficient light is provided in each of the habitable rooms, with focus on framing views over the open countryside. In order to maintain an agricultural feel, there are hit and miss timber cladding in front of a number of window glazing. The horizontal cladding will be left to wear naturally grey, and the roof is proposed to be in corrugated metal.



Relevant Legislation

There are a series of requirements that must be met in order for a change of use to fall within Class Q. A prior notification is required to confirm the proposal falls within the relevant legislative requirements. These are set out at Class Q 1 and table 1 below;

'Q. 1 Development is not permitted by Class Q if—

Table 1 Restrictions	Assessment
<p>a) the site was not used solely for an agricultural use as part of an established agricultural unit—</p> <ul style="list-style-type: none"> i. <i>on 20th March 2013, or</i> ii. <i>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</i> iii. <i>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;</i> 	<p>Relevant to Class Q (a) only. This issue has been considered and allowed under Appeal Decision APP/C3105/W/20/3264358 and therefore approved under 20/01902/Q56.</p>

<p>b) <i>in the case of—</i></p> <p>i. <i>a larger dwellinghouses, within an established agricultural unit—</i></p> <p>(aa) <i>the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or</i></p> <p>(bb) <i>the cumulative floor space of the existing building or buildings changing use to a larger dwelling house or dwellinghouses under Class Q exceeds 465 square metres;</i></p> <p>(ba) <i>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 exceeds 465 square metres;]</i></p>	<p>The application building has an existing floorspace of 241.65m², the proposal does not extend beyond this existing floorspace.</p> <p>GF - 241.65m² (including double garage). FF – 115.31m² (excluding void).</p> <p>The proposal is for a single dwelling house which is under the threshold of 465m².</p>
<p>c) <i>in the case of—</i></p> <p>i. <i>a smaller dwellinghouse, within an established agricultural unit—</i></p> <p>(aa) <i>the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or</i></p> <p>(bb) <i>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;</i></p>	<p>No smaller dwellinghouses are proposed on site.</p>
<p>d) <i>the development under Class Q (together with any previous development under</i></p>	<p>The proposal is for a single dwelling house with 357m² floorspace. The proposal would result in a single dwelling</p>

<p><i>Class Q) within an established agricultural unit would result in either or both of the following—</i></p> <ul style="list-style-type: none"> <i>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;</i> <i>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;</i> 	<p>house falling within the threshold of a larger dwelling house, which is below the identified threshold of 465m².</p>
<p><i>e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;</i></p>	<p>There is no agricultural tenancy for the proposed site. The site is owned by a SME developer.</p>
<p><i>f) less than 1 year before the date development begins—</i></p> <ul style="list-style-type: none"> <i>i. an agricultural tenancy over the site has been terminated, and</i> <i>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;</i> 	<p>N/A</p>
<p><i>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></p> <ul style="list-style-type: none"> <i>i. since 20th March 2013; or</i> <i>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;</i> 	<p>No development has been carried out under Class A(a) or Class B(a), and therefore this criterion is not applicable.</p>

<p>h) <i>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></p>	<p>The proposed development will not exceed the existing external dimensions of the existing building. The proposed development is set on the existing footprint with the addition of a first-floor mezzanine.</p>
<p>i) <i>the development under Class Q(b) would consist of building operations other than—</i></p> <ul style="list-style-type: none"> i. <i>the installation or replacement of—</i> <ul style="list-style-type: none"> <i>(aa) windows, doors, roofs, or exterior walls, or</i> <i>(bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling house; and</i> ii. <i>partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);</i> 	<p>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.</p> <p>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 making this permanent and substantial agricultural structure suitable for conversion to an alternative use.</p> <p>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.</p> <p>Externally the conversion would require the inclusion of windows and doors however they would be in keeping and complementary of the agricultural character.</p> <p>The internal walls as part of the development proposal are not generally considered development (as noted within the Planning Practice Guidance). There will be no demolition for any part of the building, the entire structure will remain in situ. The Structural engineer confirms that the scheme proposed is sympathetic to the existing structure, which is a permanent and substantial structure, that requires no strengthening. Confirming that the building is already suitable for conversion to residential use.</p> <p>In respect of the above, the NPPG at Paragraph: 105 Reference ID: 13-105-20180615 states that 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. The right assumes that</p>

	<p>the agricultural building is capable of functioning as a dwelling.</p> <p>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.</p> <p>For a discussion of the difference between conversions and rebuilding, see for instance the case of Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).</p> <p>Internal works are not generally development, however the NPPG confirms that "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".</p> <p>As the site is structurally sound the building would be able to reasonably function as a residential dwelling with relatively small changes and no demolition is required.</p> <p>Please see accompanying Structural Report for further information.</p>
<p>j) <i>the site is on article 2(3) land;</i></p>	<p>The site is not located on article 2(3) land.</p>
<p>k) <i>the site is, or forms part of—</i></p> <ul style="list-style-type: none"> i. <i>a site of special scientific interest;</i> ii. <i>a safety hazard area;</i> iii. <i>a military explosives storage area;</i> 	<p>The site is not, and does not form part of, a SSSI, a safety hazard area or a military explosives storage area.</p>

<p>l) the site is, or contains, a scheduled monument; or</p>	<p>The site is not, nor does it contain, a scheduled monument.</p>
<p>m) the building is a listed building.</p>	<p>The building is not a listed building.</p>

Conditions

In addition to meeting all the above, there are also a series of conditions which apply to Class Q, which are set out in detail at Class Q.2 (1) and table 2.

This section of the legislation states that:

“Q.2-(1) where the development proposed is development under Class(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-

<p>Table 2 Restrictions</p>	<p>Assessment</p>
<p>a) Transport and highways impact of the development,</p>	<p>Relevant to Class Q (a) only. Issues a-e have been considered and allowed under Appeal Decision APP/C3105/W/20/3264358 and are therefore approved under 20/01902/Q56.</p>
<p>b) Noise impacts of the development,</p>	
<p>c) Contamination risks on the site,</p>	
<p>d) Flooding risks on the site,</p>	
<p>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,</p>	
<p>f) The design or external appearance of the building; and</p>	<p>As illustrated within the accompanying plans, the external appearance includes a number of doors and windows alongside some other additions to allow the building to operate as a dwelling house within the existing footprint.</p> <p>The pallet of architectural materials is reminiscent of an agricultural barn and glazing has been covered by high and miss timber cladding to ensure any impact is minimised. The horizontal cladding will be left to weather naturally grey to ensure that the development is in keeping with the agricultural character of the wider surrounding area.</p>

<p>g) <i>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.</i></p>	<p>Windows, openings and internal formation of partition walls allow for adequate natural light in all habitable rooms.</p>
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In light of the above, there are no grounds to refuse the proposed change of use against the matters outlined in Class Q.2.

Conclusion

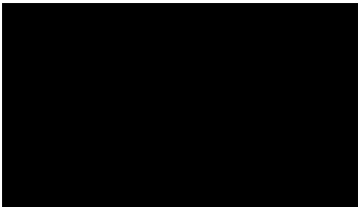
As set out in under Appeal Decision APP/C3105/W/20/3264358 the change of use from agricultural to residential (C3) has been accepted. Therefore, this application relates solely to Class Q (b) and building operations that are necessary to allow the building to function as a residential dwelling.

The information set out within this letter, and in the accompanying documents and plans, demonstrate that the proposed building operations accord with the requirements of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The accompanying proposed plans, technical drawings and structural survey help demonstrate that the building can be suitably and capably converted for residential development without the need for substantial re-building or additions.

The proposed development does not go beyond the existing parameters of the existing agricultural building and the proposed works are captured within the permitted development rights. It is therefore respectfully requested that the Prior Approval for Class Q (b) is granted.

Yours sincerely



Grant Baylis MSc (Hons)
Planner
For Ridge and Partners LLP

Enclosures:

- Design and Access Statement
- Existing and Proposed Structure Plans
- Proposed Floor Plans and Elevations



Site Location Plan
Site Plan
Structural Report
Structural Strategy
Visuals x3



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