1. **APPLICATION SITE AND LOCALITY** 
   1. The application site is located in an agricultural field some 0.9km to the north of the villages of Sibford Gower and Burdrop. The application site accommodates two agricultural buildings set around what appears to have previously been an enclosed farmyard area with 2 no. further agricultural portal frame buildings adjacent, and with open countryside surrounding.
   2. The two barns subject of this application are identified within the application as ‘Buildings 1 and 2’. Building 1 is a single storey stone and concrete blockwork open sided barn under a dual corrugated fibre cement roof. Building 2 is a brick built barn with large full height timber doors again under a fibre cement roof. Access to the site is taken directly from the adjacent B4035 via an existing gated access.
2. **DESCRIPTION OF PROPOSED DEVELOPMENT**
   1. The application relates to the proposed change of use of the building and building operations reasonably necessary to convert the two buildings under Schedule 2, Part 3, Classes Q (a) and (b) of The Town and Country Planning (General Permitted Development) (England) Order 2015. The scheme proposes to convert the agricultural buildings to form a single dwelling, with a floorspace of ~198m2. Part of the farmyard would form the proposed curtilage of the dwelling and would be an additional area of approximately ~160m2. The application red line boundary also includes the access to the proposed dwelling and existing agricultural barns to be retained.
3. **RELEVANT PLANNING HISTORY**
4. There is no planning history directly relevant to the proposal.
5. **PRE-APPLICATION DISCUSSIONS**
6. No pre-application discussions have taken place with regard to this proposal*.*
7. **RESPONSE TO PUBLICITY**
   1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 26.07.2018.
   2. No comments have been raised by third parties*.*
8. **RESPONSE TO CONSULTATION**
   1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council’s website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

* 1. SIBFORD GOWER PARISH COUNCIL: **No objections.**

STATUTORY CONSULTEES

* 1. LOCAL HIGHWAYS AUTHORITY: **No objections.**

NON-STATUTORY CONSULTEES

* 1. BUILDING CONTROL: **No objections.** Commenting: **‘***Means of escape to be in accordance with approved document B volume 1’*
  2. ENVIRONMENTAL PROTECTION: **No comments received.**

1. **RELEVANT PLANNING POLICY AND GUIDANCE**
2. As this is a Prior Notification application (as per above), the provisions of Part 3 of Schedule 2 of the General Permitted Development Order 2018 (“GPDO”) are considered most relevant.
3. Under Part 3 Class Q of the GPDO, development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, does not require Prior Approval, provided that:

(1) It meets the tests of Class Q—

(a) The site was used solely for an agricultural use, as part of an established agricultural unit—

(i) on 20th March 2013;

(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 ten years before the date the development under Class Q begins;

(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;

(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;

(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;

(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;

(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;

(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 development under Class Q(b) would not consist of any 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);

(j) The site is not on article 2(3) land;

(k) The site is not or does not form part of

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

(l) The site is not, or does not contain, a scheduled monument;

(m) The building is not a listed building.

1. And (2) where the development proposed is development under Class Q(a) together with development under Class Q(b), as in this instance, 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—
2. transport and highways impacts of the development;
3. noise impacts of the development;
4. contamination risks on the site;
5. flooding risks on the site, or
6. 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
7. the design or external appearance of the building

and the provisions of Paragraph W shall apply in relation to any such application.

And (3) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.

1. Under paragraph W.(3) the local planning authority may refuse an application where, in the opinion of the authority—
2. the proposed development does not comply with, or
3. the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.
4. **APPRAISAL**
5. The key issue for consideration in this case is whether or not the Class Q criteria are satisfied.
6. The information submitted with this application demonstrates the application buildings are part of an established agricultural unit, and suggests that the site has been solely in agricultural use. In view of the building type, size and location, and observations on site I have no reason to doubt that the use of the building was for agricultural purposes on 20th March 2013.
7. The submitted plans enable assessment of the proposal under criteria (b), (c), (d), (g) and (h).
8. The dwelling’s floor space would define it as a larger dwellinghouse, as it has a floor space of 198 sq m. There are no other ‘Class Q dwellings’ within the established agricultural unit therefore criterion b is satisfied, as the floorspace to be converted would be below the 465m2 threshold. Criterion (c) is not relevant in this instance as the building would be defined as a larger dwellinghouse.
9. Based on the information submitted with the application (relating to the principle of development), criteria (c) and (d) are satisfied.
10. The application form and supporting statement states that the site is not under an agricultural tenancy agreement and nor had one been terminated in that last year. There is no evidence to suggest that this is not the case and therefore criteria (e) and (f) are taken to be satisfied.
11. Having visited the site and researched the site history, development under Class A(a) or Class B(a) of Part 6 of Schedule 2 (agricultural buildings and operations) has not been carried out on the established agricultural unit since March 20th March 2013. Thus, criterion (g) is satisfied.
12. The development would not extend further than the external dimensions of the existing building and therefore criterion (h) is satisfied.
13. In respect of criterion (i), the PPG states:
14. *“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”.*
15. And further it now states: “*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”*.
16. The scheme proposes the following alterations to facilitate the conversion:

Building 1 - The enclosure of the west elevation, with part timber cladding, access door and part glazing with central opening doors. A new window opening would be introduced into the north-west end elevation serving a home office and the roof would be replaced with insulated roofing sheets. Providing ancillary accommodation.

Building 2 - The installation of an upper floor level; the replacement of the full height timber doors with glazed opening with access doors; the installation of two new openings in the south elevation; the installation of three rooflights in the south facing roof slope to provide light to the upper floor rooms; the introduction of a new door and window in the eastern end elevation and again the roof would be replaced with insulated roofing sheets.

1. The proposal would accord with Class Q(i) as the proposed internal and external works are considered necessary for the conversion and would not result in any significant new building operations outside of the scope and definition at Q(i).
2. The site is not or does not form part of a site of special scientific interest, a safety hazard area or a military explosives storage area. The site does not contain a scheduled monument and the building is not listed. The site is not on article 2(3) land.
3. Overall the proposal is considered to comply with Class Q.1. It is therefore necessary to consider the proposal under the prior approval criteria under paragraph Q.2. This is discussed below:

**Matters under Q.2 (prior approval)**

Highway Impacts:

1. The most recent legislation makes it clear that an assessment is to be made as to whether or not the proposal is likely to result in a material increase or material change in the character of the traffic in the vicinity of the site.
2. The Local Highways Authority raise no objections to the scheme and requests no conditions. There would be sufficient space within the curtilage as indicated on the submitted drawings to provide the required parking and access would be taken via the existing access onto the adjacent B4035.

Noise Impacts:

1. Whilst no formal comments have been received from the Council’s Environmental Protection regarding the current application it is considered that there will be no significant noise impacts as a result of the proposed change of use. The site is situated a good distance from other residential properties so as not to cause detriment to either existing or proposed occupants by way of noise.

Land Contamination:

1. Whilst no formal comments have been received from the Council’s Environmental Protection during the application, it is considered that whilst the risk from potential contamination is likely to be fairly low, due to the previous use of the site for agricultural purposes it is considered that an appropriate condition could be imposed requiring the Local Planning Authority informed if during the proposed development contamination is found and a remediation strategy agreed and implemented.

Flood Risk:

1. The site is not within a flood zone 2 or 3. The proposal is considered acceptable in this regard.

Impractical or Undesirable Location or Siting

1. The test in this criterion is 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.
2. The PPG guides that Local Planning Authorities (LPAs) should start from the premise that the permitted development right grants planning permission, subject to prior approval requirements. Moreover, the PPG guides that a proposal for a change of use in a location where the Local Planning Authority would not normally grant planning permission for a new dwelling is not sufficient reason for refusing prior approval.
3. Impractical or undesirable are not defined in the regulations, and the LPA should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would “not be sensible or realistic”, and undesirable reflects that it would be “harmful or objectionable”. The PPG also guides that the location 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 – in other words, uses that would be incompatible and in close proximity to residential uses for safety and amenity reasons.
4. The site is located in a remote location and is located in close proximity to agricultural fields and other existing barns. The existing adjacent barns are proposed to remain in agricultural use for the storage of hay and agricultural machinery and not be used for the housing of livestock. The siting of such a building in close proximity to agricultural fields and other buildings is considered to be a common relationship for a building that would be subject to this kind of application and this would not constitute an impractical or undesirable siting. Given this location of the application site, it is considered that this would also be acceptable in this regard.
5. **PLANNING BALANCE AND CONCLUSION**
6. The proposal is considered to be in accordance with Class Q of Part 3 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). No further information is considered necessary in relation to the criteria and issues set out in Class Q.2 and that there will no significant detrimental impacts as a result of the proposed development on the issues raised in this class. As the issues that need to be addressed as part of the prior approval process have not identified any concerns that would bring the development into question, it is concluded that the prior approval should be issued.

|  |
| --- |
| 1. **RECOMMENDATION**   That permission is granted, subject to the following conditions:   1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Drawings numbered: 8524-100, 8524-101, 8524-202, 8524-301, 8524-302, 8524-402, 8524-403 and 8524-404 and letter from Stansgate Planning (ref: KW/K/8524).   Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.   1. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.   Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.  PLANNING NOTES:   1. The development hereby approved shall be completed within 3 years from the date of this decision notice. This is to comply with the requirements of Schedule 2, Part 3, Class Q.2(3) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). 2. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900. |

|  |  |  |
| --- | --- | --- |
| Case Officer: | Bob Neville | DATE: 09/08/2018 |
| Checked By: | Nathanael Stock | DATE: 14.08.2018 |