APPLICATION NUMBER: 21/00088/PRA56

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
21/00088/PRA56	Ryan Killeen	4 February 2021

Address: 53 Red Lumb Street Rochdale OL12 7TX

Proposal: Prior approval for change of use of agricultural building to dwellinghouse (Use Class C3) and associated building operations

PUBLICITY	**Weekly list expired?**	N/A	**Site notice expired?**	N/A
	Neighbour letters expired?	Y	**Press Notice expired?**	N/A

DELEGATION	**Significant departure from local plan?**	N	**Contrary to national policy?**	N
	Applicant a Council Member or officer?	N	**Contrary to previous decision?**	N
	Major with 10 or more objections and recommending approval?	N	**Called in or Planning Panel objection?**	N

COMMENTS	**Planning Panel comments received?**	N
	Neighbour comments received?	N

EIA	**Screening opinion completed and saved to Onbase?**	N/A

CONDITIONS	**Pre-commencement conditions proposed?**	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION	REFUSE

CHECKED AND SIGNED OFF BY: AT **DATE: 12.03.2021**

SITE

This application relates to a disused structure sited on land to the rear of 53 Red Lumb Street, in the Red Lumb area of Rochdale, approximately 2m northwest of Norden, and 5km northwest of Rochdale Town Centre.

The site and surrounding area is designated Green Belt and used primarily for agricultural purposes, with piecemeal developments of farms and rows of terraces comprising much of the built form.

The garden of no.53 is separated from the land containing the application site via a fence, with access to Overtown Lane via gated access to the South.

PROPOSAL

This application seeks prior notification for the change of use of an agricultural building to a dwelling and the building operations reasonably necessary to convert the building.

This would include the addition of a timber cladding finish to external elevations and a metal seam roof. Other alterations to fenestration are indicated on the plans.

RELEVANT PLANNING POLICY

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

RELEVANT SITE HISTORY

83/D15750 Residential Development – One Detached Bungalow
Refused

CONSULTATION RESPONSES

N/A

REPRESENTATIONS

Letters of notification were sent to all surrounding properties, no responses were received.

ANALYSIS

The application is for prior notification for the Change of Use of an Agricultural Building to C3 Dwellinghouse under Schedule 2 Part 3 Class Q (*agricultural buildings to dwellinghouses*) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Assessment – Class Q

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;

"Agricultural Unit," is not defined in article 2(1) of the GPDO, however paragraph X of Part 3 defines an "established agricultural unit" as "agricultural land occupied as a unit for the purposes of agriculture (and which was in use for that purpose on or before the relevant qualifying date under Classes Q, R and S respectively).

Furthermore, in Part 6, "agricultural unit" is defined in paragraph D.1 as " agricultural land which is occupied as a unit for the purposes of agriculture, including —

(a) any dwelling or other building on that land occupied for the purpose of farming the land by the person who occupies the unit, or
(b) any dwelling on that land occupied by a farmworker

The application states within the application form that on 20 March 2013, the site was used solely for an agricultural use as part of an established agricultural unit.

However, no evidence has been provided to the LPA that the building was used solely for an agricultural use as part of an established agricultural unit in relation to the above requirements. The LPA cannot therefore be satisfied that the requirements of the GPDO are met in this case.

(b) the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 450 square metres;

The floor space of the existing building changing use would equal approximately 50 square metres.

(c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 5;

The number of dwellings proposed to be developed under class Q would be 1no.

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

No evidence has been provided to indicate that the site is currently occupied under agricultural tenancy.

(e) 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 ended less than 1 year before the proposed date to begin development.

(f) 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;

On the basis that insufficient evidence has been provided to establish whether or not the site forms or has previously formed, part of an agricultural unit, it is considered that no development under Classes A(a) or B(b) of Part 6 of this schedule has been carried out on the established agricultural unit.

(g) 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 external dimensions are shown to remain the same at every point on the building.

(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 proposed development would result in a building having approximately 50 square metres of floor space having a use falling within Class C3 of the Use Class Order.

(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 National Planning Practice Guidance outlines that building works are allowed under the change to residential use. The permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, it recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. The right allows for 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 include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with

the external works to provide for residential use that the building would be considered to have the permitted development right.

The application lacks detail to demonstrate the existing structural integrity of the building and to what extent the structure would be retained. Upon a site visit, it has been recognised that the building is of a lightweight, single brick skin construction, and it is considered that previous uses stated on the application form are unlikely to have required such substantial construction to where the building can be reasonably converted to a dwelling.

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

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

(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 does not form part of a SSSI, safety hazard area or a military explosives storage area.

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

The site is not, nor does not contain a scheduled monument.

(m) the building is a listed building.

The building proposed to be developed under Class Q is not a listed building.

Summary

In light of the above, the current proposal cannot be considered Permitted Development as defined under Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The application form states that on 20 March 2013, the site was used solely for an agricultural use as part of an established agricultural unit. However, insufficient evidence has been submitted to satisfactorily conclude that the development would comply with the legislation in this regard. In addition, based on the information provided, it is not considered that the applicant has sufficiently demonstrated that the building to be developed under Class Q can be reasonably converted within the provisions of criterion (i) into a dwellinghouse. The application would therefore not comply with Schedule 2, Part 3, Class Q of the GPDO and cannot benefit from the prior notification procedure.

Prior approval Matters

Under Part 3 Class Q, the developer must apply to the LPA for a determination as to whether the prior approval of the LPA will be required for the transport and highways impacts of the development, the noise impacts of the development, the contamination risks of the site, flooding risks on the site, whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to residential use, the design or external appearance of the building and the provision of adequate natural light in all habitable rooms of the dwellinghouse. Nonetheless, as this application is not a valid submission under the

prior notification process it is not considered appropriate to consider these matters at this time.

RECOMMENDATION

Refuse for the following reason:

1 Insufficient evidence has been provided to demonstrate that the building was used solely for an agricultural use as part of an established agricultural unit on 20th March 2013 as required by paragraph Q.1(a) of Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The submitted plans also indicate that an area of hardstanding would be created to the west of the building for the parking of vehicles. This area of land is not considered to form part of the curtilage of the building and the scheme therefore fails to comply with paragraph Q.(a) of Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2 Insufficient evidence has been provided to demonstrate that the building to be developed under Class Q can be reasonably converted within the provisions of criterion (i) into a dwellinghouse. The National Planning Practice Guidance sets out that it is not the intention of the permitted development right to include the construction of new structural elements for the building and insufficient evidence has been provided to conclude that this would be the case. The proposal does not therefore comply with the above requirement and cannot be considered to benefit from permitted development rights under Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Notes for Applicant:

For the avoidance of doubt this decision relates to the following plans:
Existing Elevations and Plan – 53 Red Lumb – Workshop
Proposed Elevations and Plan – 53 Red Lumb – Workshop

Report Author Ryan Killeen