

**PRIOR APPROVAL APPLICATION FOR CHANGE OF USE OF AGRICULTURAL
BUILDING INTO 3 LARGER DWELLINGHOUSES**

EDGE GATE FARM, HUDDERSFIELD ROAD, NEWHEY, ROCHDALE OL16 3TJ

PLANNING JUSTIFICATION STATEMENT

THE SITE

The application relates to an agricultural barn to the north east of Edgegate Farm. The barn is of block and metal cladding construction with a pitched roof laid in metal sheeting.

There is a large stable building to the south, with the wider area being open countryside. The site itself and the surrounding areas are within the designated Green Belt.

Vehicular access to the site is from an access track leading from Huddersfield Road to the south.

Appendix 1 contains photographs of the building as existing.

PLANNING HISTORY

Planning permission for the building was granted in November 2004 (Ref:02/D40518).

A previous application reference 22/00071/PRA56 was refused for the following reason:-

‘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 dwellinghouses. 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 demonstrate that this would not 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).’

THE PROPOSAL

This application again seeks prior approval for the conversion of the barn. The previous scheme has been amended and it is now proposed convert the building into two larger dwellinghouses and two smaller dwellinghouses, along with associated external alterations and the formation of a domestic curtilage. Full details are provided on the submitted plans.

PLANNING JUSTIFICATION

Under the provisions of the Town and Country planning (General Permitted Development) (England) Order 2015 (as amended) development under Class Q is not permitted where:

(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 building is located within an established agricultural unit and has been used for agricultural purposes since its construction in 2005. It has been used to house livestock and for the storage of agricultural machinery and animal feed/bedding etc.

(b) in the case of –

(i) a larger dwellinghouse, within an established agricultural unit (aa) the cumulative number of separate larger units 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;

There are two larger dwellinghouses proposed, with a cumulative floorspace of less than 465 square metres.

(c) in the case of –

(i) a smaller dwellinghouse, within an established agricultural unit (aa) the cumulative number of separate smaller units developed under Class Q exceeds 5; or (bb) the cumulative floor space of any one separate smaller dwellinghouse having a use falling within Class C3 of the Schedule would exceed 100 square metres.

There are two smaller dwellings proposed, each measuring 99 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 sq metres of floor space having a use within Class C3 of the Schedule to the Use Classes Order.**
- (ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 of the schedule to the Use Classes Order exceeding 5.**

There are two larger dwellinghouses and two smaller dwellings proposed, with a cumulative floorspace of less than 465 square metres. There are no previous developments under Class Q.

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

The site is not occupied under an agricultural tenancy agreement.

(f) less than one 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 agreement has not been terminated in the year before development is proposed to begin for the purpose of carrying out the change of 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

No development has taken place on the site under Class A or B of Part 6 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;

The proposed dwellings will not have any external dimensions which extend beyond the external dimensions of the existing building at any given point.

(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 plans show the introduction of a number of window and door openings within the building which are considered reasonably necessary for the building to function as dwellinghouses. Much of the existing blockwork and cladding to the walls and roof will be retained.

Internally, floors will be introduced to enable accommodation to be provided over two storeys, as permitted by Paragraph 105 (Ref ID: 13-105-20180615) of the Government's Planning Practice Guidance, which states 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.

Please see the accompanying structural report which confirms that the proposed scheme will enable the conversion of the building without requiring building operations other than those permitted by Class Q.

(j) the site is 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;

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

(m) the building is a listed building.

With regards to parts (j), (k), (l) and (m), there is no conflict with these restrictions.

Where the development proposed is development under Class Q(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-

(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, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

In his previous report the case officer expressed concern that the proposed parking spaces may obstruct the existing right of way that goes through the farmyard. The photograph below clearly shows that there is no conflict between the location of the proposed parking spaces and the route of the public right of way. There will be more than adequate space remaining post conversion for users of the footpath to pass through the farm yard as they do at present.



Existing farm yard - Site of proposed parking spaces will not obstruct the public right of way

Vehicular access to the building is gained from the adopted public highway and then along a private access road/driveway. The track is sufficient to allow access by larger vehicles and is currently easily accessed by the Council's refuse collection vehicles without issue. There is sufficient space within the extensive farm yard for such vehicles to turn around within the site.

The development will have no detrimental impact on highway safety.

The proposed dwellings would be sufficiently separated from the existing dwelling to ensure that future and existing occupants would enjoy good levels of amenity. The site does not raise concerns with regard to noise or contamination risk and is not within an area highlighted as being at risk of flooding.

The design is of a high quality and the proposed external alterations are in keeping with the existing character and appearance of the barn. Gardens, bin storage areas and parking spaces for each dwelling will be provided within the curtilage of the building.

Given the above, it cannot be concluded that it would not be 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 by virtue of the location or siting.

For the reasons stated above, the proposed development is considered to meet with criteria set out within Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).