

21/00318/GDOCOU, The White Lodge, Green Lane, Goadby Marwood

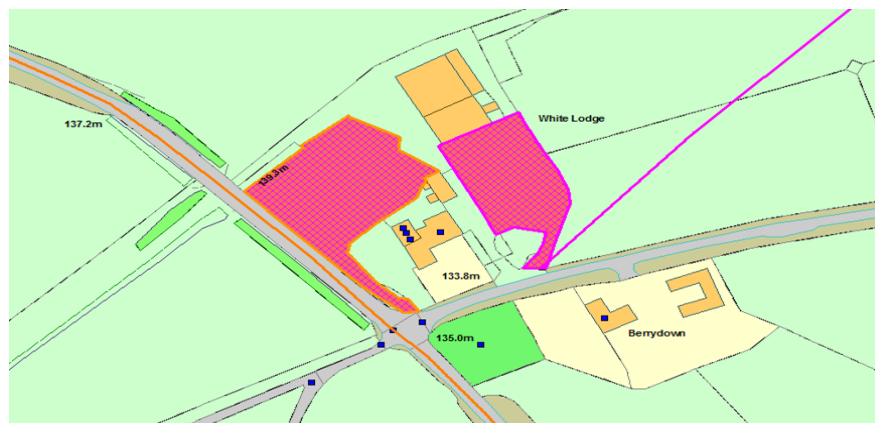
Proposal: Notification under 'Class Q' of proposed change of use of agricultural buildings to 2 dwellings (C3) resubmission of 18/00386/GDOCOU.

Applicant: Mrs E Holmes.

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Elaine Holmes (Waltham on the Wolds)
Date of consultation with Ward Member(s):	12 April 2021
Exempt Information:	No

1 Summary

- 1.1 This report addresses a 'Prior Notification' for the change of use of 2 buildings for residential use. It is not a planning application as such, the legal basis for the Notification and the Council's responsibilities in this connection are explained below.
- 1.2 The Notification is required to be considered by the Committee because it is submitted by a Member of the Council, Councillor Holmes.



2 Recommendation

RECOMMENDATION(S)
1. It is recommended that no Prior Approval of the matters listed in Part Q2 are required (see section 7 below)

The proposed change of use accords with all of the criteria set by Class Q of Part 2 of the Planning (General Permitted Development) Order 2015 (as amended) and the matters the subject of conditions specified by part Q2 of this legislation are not applicable to the circumstances of the case.

3 Proposal

- 3.1 Prior approval for the conversion of 2 agricultural barns to form 2 x larger dwelling houses (more than 100sqm but no more than 465sqm)
- 3.2 Works are proposed to the building and plans have been submitted in support of the submission.
- 3.3 The prior notification is applying for Class Q (a) – change of use of agricultural buildings and land within its curtilage to residential and (b) – building operations reasonably necessary to facilitate the change of use under part 3, Class Q, of the General Permitted Development Order. Under this legislation these works are permitted development provided:
- (i) The set criteria in the legislation is met in full
 - (ii) 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 impact 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:
 - (f) The design or external appearance of the building
- These criteria are addressed in the following content of the report.
- 3.4 **The Council's role in the consideration of the Prior Notification is to establish whether all of the qualifying criteria have been met, and whether grounds exist to require the prior approval of any of the conditions listed (a) – (f) above.**

4 Site

- 4.1 The site would be considered to be located in the countryside.
- 4.2 There is an existing access serving the site onto Green Lane. The buildings are contained within the site.
- 4.3 The site lies wholly within the open countryside at White Lodge Farm, Green Lane, Goadby Marwood. The buildings are comprised of a range of single storey brick and stone barns. The barns have pantiled roofs. Some of which have previously been extended and will be demolished. Surrounding covered barn roofs to the rear are also intended to be demolished to make way for residential curtilage.

5 Planning History

- 17/00013/GDOCOU
- 18/00386/GDOCOU

None of these earlier submissions have a bearing on the determination of this Prior Notification

6 Policy Considerations

- 6.1 No policy is to be considered with prior approvals – it is a matter of fact whether they are permitted development and do not require a full planning application considering the legislation under Class Q, part 3 of the GDPO 2015 as explored below. Each point is responded to in **bold**.
- 6.2 Following amendments in 2018, the legislation has separated the applications into those for larger and smaller houses.
- 6.3 The specific definitions are below:-
- Larger Dwellinghouse
Has a floor space of more than 100 square metres and no more than 465 square metres.
 - Smaller Dwellinghouse
Has a floor space of no more than 100 square metres

7 Class Q criteria

- 7.1 Class Q allows, as Permitted Development not requiring planning permission, development consisting of –
- a) 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 the schedule to the Use Classes Order; and
 - b) Building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that schedule.
- 7.2 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;

The definitions within the GDPO defines “agricultural building” / “agricultural use” as a building used for agriculture and which is so used for the purpose of a trade or business. An “established agricultural unit” means agricultural land occupied as a unit for the purposes of agriculture.

The buildings from inspection form part of the wider agricultural unit which includes other barns on the site.

The barns collectively have been referred to in previous applications and approvals which have confirmed that the site and the associated land was used for agricultural use.

As such, given the history of the wider site, it is considered that the site and buildings which forms part of this prior-approval was last used for agriculture and has not been used differently since.

(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 prior notification relates the development of two larger dwelling houses which have a floor space that exceeds 100 square metres but do not exceed 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 Class Order exceeds 100 square metres;

Not applicable to this proposal.

(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;

There are no previous approvals under Class Q on this site, but these are replacement of them rather than additions, therefore the current Class Q would meet the requirements and specifications.

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

The proposed development of this site conforms to the above requirements as shown on the application form question 5.

(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;

The proposed development of this site conforms to the above requirements as shown on the application form question 5.

(g) Development under Class A (a) or Class B (a) of Part 6 of this Schedule (agricultural buildings and operations) have 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;

From reviewing the site history no development has been undertaken by Class A or B of Part 6 of the Schedule.

(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 development of this site conforms to the above requirements and the external dimensions of the building would not extend beyond the external dimensions of the existing building at any 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 prior approval proposes to convert two buildings to two separate dwellings and conforms to the above limitations.

The buildings comprise stone walls and pan tiled rooflines and appear structurally in a good condition.

Works will be minimal and limited to those reasonably necessary for the buildings to function as dwellings.

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

The proposed 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 explosive storage area;

The proposed site is not one of these.

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

The proposed buildings are not scheduled monuments.

(m) the building is a listed building.

The proposed buildings are not listed. (The wider site does contain Listed Buildings)

8 Conditions

8.1 Q.2 – (1) 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 impact of the development

Given the existing use of the site and the existing access arrangements, there is unlikely to be a significant increased risk which would warrant refusal of the application on highway grounds. It is not considered that the development would result in adverse impacts upon highway safety.

(b) Noise impacts of the development

There are no adjacent uses that would cause undue noise impacts that would be incongruous in a rural area.

(c) Contamination risks on the site

There are no known risks of contamination on this site.

(d) Flooding risks on the site

The site is not in a medium or high risk flood zone

(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:

The location or siting does not make it impractical or undesirable in principle given the proximity to an existing dwelling!

(f) the design or external appearance of the building

The proposed alterations would introduce new openings however the design and appearance of these and the overall conversion would therefore be in keeping with the character of the existing building and the rural nature of the site!

(3) 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.

Paragraph X provides interpretation of Part 3 prior approval. 'Curtilage' means an area of land enclosed or unenclosed immediately beside or around the agricultural building closely associated with the building or such an area no larger than the land occupied by the agricultural building, whichever is the lesser.

The proposed curtilage has not been clearly indicated on the plan to be no larger than the land occupied by the agricultural building however this can be conditioned accordingly

9 Consultation & Feedback

9.1 The Parish Council have not commented to date

10 Financial Implications

10.1 There are no financial implications arising from this request.

10.2 Financial implications reviewed by: N/A

Financial Implications reviewed by: N/A

11 Legal and Governance Implications

11.1 The Notification requires consideration by the Committee as it is submitted by a Member of the Council (Constitution Chapter 2 , Part 9, 'Planning Committee functions and procedures')

Legal Implications reviewed by: Tom Pickwell (Solicitor)

12 Appendices

12.1 Appendix A: Site Photos

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Appendix A: Site Photos

