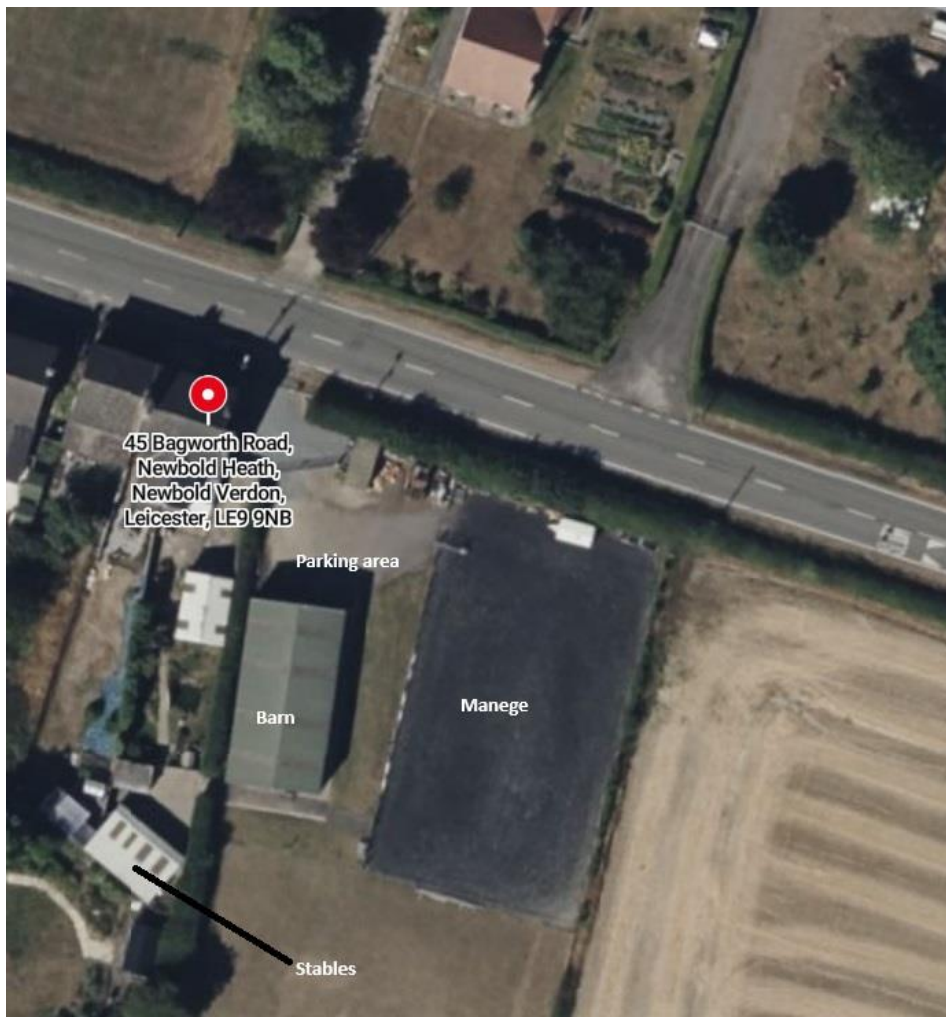


PLANNING STATEMENT

A REQUEST AS TO WHETHER PRIOR APPROVAL IS REQUIRED, AND IF IT IS, IF IT IS GIVEN, IN RESPECT OF THE CHANGE OF USE OF ONE BUILDING FROM AGRICULTURE TO A USE FALLING WITHIN CLASS C3 (DWELLING HOUSES) UNDER CLASS Q OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT ETC.) (ENGLAND) (AMENDMENT) ORDER 2024

Land Adjacent to 45 Bagworth Road, Newbold Heath, Newbold Verdon, Leicestershire, LE9 9NB



Prepared by Bryan Youlden B.A. Hons. (T&CP), PG Dip. Surv., MRICS on behalf of Mr & Mrs Kirby

November 2024

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1. INSTRUCTIONS

- 1.1. I am instructed on behalf of Mr & Mrs Kirby, herein referred to as the Applicants, to resubmit a request for prior approval for the change of use of one building and curtilages from use as one agricultural building to uses falling within class C3 (dwelling Houses), under The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024. The site is to be known as land adjacent to 45 Bagworth Road, Newbold Heath, Newbold Verdon, Leicestershire
- 1.2. This planning statement with declarations and plans accompanies a submission to Hinckley and Bosworth Council.
- 1.3. No pre application advice has been sought.

2. THE BUILDING & PROPOSED DEVELOPMENT

- 2.1. The application is for conversion of one agricultural building. This is a relatively modern barn constructed following the grant of planning permission in 2002. The applicants Mr & Mrs Kirby are very anxious to retain the character and appearance of the buildings and to protect the surrounding countryside. One of the two residential units created will be for their own occupation and the other will be either sold or more likely rented out.
- 2.2. The proposal is for the change of use of an agricultural building within the paddock adjacent to 45 Bagworth Road. The yard area and barn was in use for the purposes of agriculture on 20th March 2013 and remained as such thereafter. The County parish agricultural holding number is 222170190.
- 2.3. The building to be converted is a detached steel framed barn which is in a very good state of repair which has been confirmed by the architect as suitable for conversion.

3. BRIEF PLANNING HISTORY

- 3.1. The existing barn was approved (Ref. 02/00566/FUL) on 1 May 2002 and erected shortly thereafter.
- 3.2. The consent also provided for a manege or horse training area which has been used in conjunction with stables at the rear of 45 Bagworth Road. The barn has not been used for stabling or other uses associated with the keeping of horses at any time.
- 3.3. Agricultural use continues and is been used for the storage of hay, fertilisers, feed and farm materials as well as farm vehicles such as a tractor and harrow as well as fencing materials and the storage of small tools, etc. This is also in support of the grazing of sheep and other animals in the adjacent field to the east.
- 3.4. The current proposal is for a pair of two semi-detached dwelling houses. One will be employed by the applicants with the other released to the housing market.
- 3.5. The breakdown of the floor area is as follows:
 - Existing unconverted internal floor area 146.9 sq. m.
 - Converted semi-detached two storey dwelling house providing floorspace of 266 sq.

m.

3.6. An application (Ref. 22/00624/OUT) for 5no. self-build homes was refused on 31 July 2023.

4. CONFORMITY WITH THE GPDO

4.1. Whether prior approval is required

4.1.1. Section Q.2 of Class Q sets out details of the prior approval process. It outlines that the prior approval submission should determine whether the Council's prior approval is required.

4.1.2. Given the edge of rural location of the building, the history of the surrounding land and adjacent buildings and its access, it is considered that prior approval may be required for the:

- Transport and highways impacts of the development
- Noise impacts of the development
- Contamination risks on site
- Flooding risks on site
- Location or siting of the building
- Design or external appearance of the building.

Each of these is considered in turn.

4.1.3 The table below highlights how the proposed development conforms to the criteria of the GPDO.

Criteria	Conformity
(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 site was in agricultural use on the key date and has been used in the same manner at all times since. Declarations are provided that confirm this to be the case.

(b) in the case of — (i) a larger dwelling house, within an established unit (aa) the cumulative number of separate dwelling houses developed under Class Q exceeds 3; or (bb) The cumulative floor space of the existing building or buildings changing use to a larger dwelling house or dwelling houses under Class Q exceed 465 square metres;	The change of use is only for two dwellings with a cumulative floor area of 146.9 square metres as existing and 266 square metres once the first floor has been added.
(c) In the case of – (i) A smaller dwelling house, within an agricultural unit- (aa) The cumulative number of a separate smaller dwelling houses developed under Class Q exceeds 5; or (bb) The floor space of any one separate smaller dwelling house having a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order exceeds 100 square metres.	Only dwelling houses are proposed that have a total floorspace of 266 sq. m. Unit one will be 115.3 square metres and Unit two 150.7 square metres GIA once converted.
(e) The site is occupied by 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, the applicants own the site.
(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 purposes of carrying out the 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;	N/A as the site is owned by the applicants.
(g) Development under Class A(a) or Class B(b) of part 6 of this schedule (agricultural buildings and operations) has been carried out on the established agricultural unit- (i) Since 20th March 2013; (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 buildings have been erected on the unit 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 even given point;	The elevation plans indicate that the proposed development would not result in any alterations extending 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 dwelling house; 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 installation of windows and doors, and replacement roof. The buildings already have the benefit of mains electricity and water. Foul drainage will connect into the existing sewer with surface water discharged into the adjacent field.
(j) the site is on article 2(3) land; (a) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of the conservation areas); (b) an area of outstanding natural beauty; (c) an area specified by the Secretary of State for the purposes of section 41 (3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside); (d) the Broads; (e) a National Park; or (f) a World Heritage Site	The site is not located within any of these areas.
(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 is not located within any of these areas.
(l) the site is, or contains, a scheduled monument; or	The agricultural building and its curtilage do not contain a scheduled monument
(m) the building is a listed building.	The agricultural building and its curtilage do not contain a listed building.



Historic photographs showing grazing and farming activities on the adjacent land 1996
above and late 1990's below





Sheep grazing field in April 2022.

5. HIGHWAYS, NOISE, CONTAMINATION, FLOODING, LOCATION, SITING & DESIGN

5.1. Transport and highways impacts of the development

5.1.1. The application provides for a change of use of one agricultural barn into two dwellings. There is existing space to park at least 4 vehicles on the application site. There will be no significant change in the extent of the existing circulation and parking areas.

5.1.2. The site will be accessed via the existing private roadway which also services the existing dwelling nearby and the agricultural yard and barn. Traffic on and off site will be similar (and may be less) than potential agricultural use of the barn and will not have an adverse impact on highways safety. The road is straight and there is visibility in each direction of at least 160 metres. No adverse highways impacts will arise.

5.2. Noise impacts of the development

5.2.1. Residential use is essentially quiet, compared to an agricultural use of the buildings. Farm traffic can be noisy with unsocial working hours. The proposed use is consistent with the surrounding uses.

5.2.2 The former barn is sufficiently separated to allow for a good level of residential amenity for each.

5.3. Contamination risks on the site

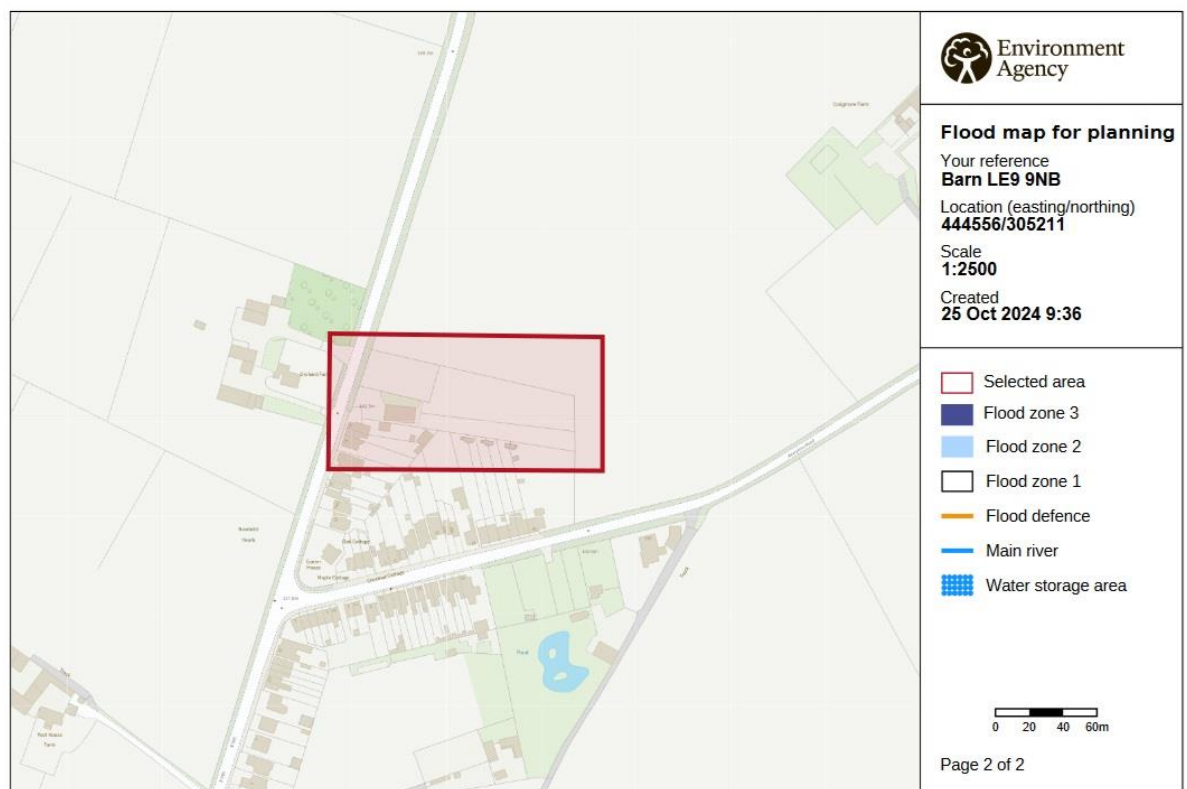
5.3.1. There are no contaminants in the building and due to the conversion, excavations will be minimal. Accordingly there are no risks.

5.4. Flooding risks on the site

5.4.1. The flood risks on the site planning map obtained from the EA confirms the site is within flood zone 1, within an area at low risk of flooding.

5.4.2. Flooding risks on the site from surface water – The planning map obtained from gov.uk confirms the site is at very low risk of flooding from surface water

5.4.3. Flooding risks on the site from rivers and seas – the planning map obtained from gov.uk confirms the site is also at very low risk of flooding from rivers and seas (see below).



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5.4.4. Accordingly, the site is at very low risk of flooding from all identified sources.

5.5. Does the location or siting of the building make it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order

5.5.1. National Planning Practice Guidance states that permitted development rights do not apply a test in relation to sustainability of location. The building is not impractical or undesirable due to its positioning around existing buildings and their shared access. Conversion improves the amenity of the site which is not in any event directly visible. Existing landscaping largely screens the site from the road. The conversion would not result in a visually intrusive feature on the local landscape beyond that of the existing structures.

5.5.2 The curtilage of the application has been drawn such that the amenity areas are of the same size as the building. This is consistent with Part 3 of the Second Schedule to the General Development Order 2015 where a restricted definition of curtilage for conversion of agricultural buildings is set out. This is defined as the piece of land, whether enclosed or unenclosed, immediately beside or around the building, closely associated with and serving the purposes of the building, or an area of land immediately beside or around the building no larger than the land area occupied by the building, whichever is the lesser. As stated, the curtilage is no larger than that occupied by the footprint of the building.

5.6. The design and external appearance of the building and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

5.6.1. Based on the evidence and assessment presented, it is considered that the design and external appearance of the proposal will not have an adverse impact on the character of the area and is consistent with similar approved class Q applications and appeals.



5.6.2. The building as it stands has been assessed by the architect as capable of conversion and is relatively modern having been built within the last 25 years on a substantial concrete base. A structural survey can be commissioned if required although appeal decisions have made it clear that there is no requirement as such for such a submission.

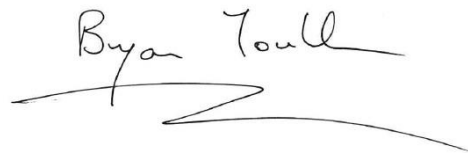
5.6.3. The applicant has limited the use of glass whilst providing a quality living environment for the occupiers to ensure it is sympathetic to the surroundings. The applicants have been anxious to retain the agricultural character of the building in converting it to a beneficial use whilst adding enough windows and skylights to make the interior amenity suitable. Wherever possible, existing apertures have been adapted for windows. The works permitted under Class Q (i)(i) specifically allows for “.... the installation or replacement ofwindows, doors, roofs or exterior walls....”. Such works permitted under Class Q(b) are restricted to what is reasonably necessary for the building to function as a dwelling house.

5.6.4. Materials have been chosen to be consistent with an agricultural building. Metal sheeting is proposed for example for the roof which will be in sympathy with the existing material and design. The existing corrugated roofing sheets will be replaced by a fully insulated metal roofing system consistent with agricultural structures.

5.6.5. Insulation will be added internally to improve the thermal efficiency of the converted barn to improve living conditions for the applicant. The existing concrete floor will be adapted to add insulation and underfloor heating under a screeded finish to residential standards installed with footings for new internal walls incorporated if required.

6. CONCLUSION

- 6.1. The building that is to be retained is of sound construction and capable of conversion without the need for major re-building. No alterations or additions will be undertaken to the primary structure of the building.
- 6.2. The existing building will be adapted and the design retains the scale and shape whilst enhancing the character of the agricultural building. Appropriate materials for a rural agricultural area have been employed.
- 6.3. It has been demonstrated that the building satisfies the requirements of Class Q (a) and (b) of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 6.4. Accordingly, the application satisfies all of the legislative criteria relevant to determine this application and it is respectfully requested that prior approval is confirmed. If any element remains of concern we would respectfully ask that a dialogue is entered into.

A handwritten signature in black ink that reads "Bryan Youlden". The signature is written in a cursive style with a long, sweeping horizontal line underneath the name.

Bryan Youlden

YCS

1 November 2024