

Planning Statement

September 2024

Red House Farm, Ratcliffe Culey

HOLLAND

LLOYD

Contents

1	Introduction	1
2	The Site and Surrounds	2
3	Relevant Planning Legislation	4
4	Planning Considerations	8
5	Conclusion	10

1 Introduction

- 1.1 Holland Lloyd has prepared this Planning Statement on behalf of Root2Lean Ltd (the applicant) to support a planning application made to Hinckley and Bosworth Borough Council for the change of use and conversion of four agricultural barns to form six residential dwellings at the Red House Farm site, 39 Main Road, Ratcliffe Culey, Atherstone.

Background

- 1.2 The site has an extensive planning history for ad-hoc redevelopment, with previous applications and permissions relating to the conversion of agricultural barns for residential use. From the outset, it is worth noting that buildings 3 and 5 hold no planning history, with applications previously made on buildings 1, 4 and 6 (as shown on the site's existing plan, document reference: 233-51 rev. B). Building 6 does not form part of the application site.
- 1.3 The built form differs across the site, with characterful brick barns to the front, dispersed by utility and functional agricultural barns to the rear. All built form proposed in this application have been reviewed by a structural engineer, who has confirmed it is capable of conversion.
- 1.4 This proposal has enabled an overall masterplan for the site, retaining and repairing the characterful elements, with appropriate parking provision and private amenity space.

The proposed development

Change of use and conversion of four agricultural buildings to form six residential dwellinghouses.

- 1.5 The proposed development seeks confirmation from Hinckley and Bosworth Borough Council that prior approval is required and approved.

2 The Site and Surrounds

- 2.1 The site's red line area comprises land north of Main Road and includes a mixture of agricultural built form, with brick to the frontage, block-built barns and concrete panel and timber weatherboarded buildings.
- 2.2 The access arrangement provides pedestrian and vehicular access to the highway boundary. The internal arrangement of the site includes land to the south west with planning approval for a new farmhouse, and a brick agricultural barn to the west (both outside the site red line).
- 2.3 An example of the site's current built form is shown below, from the east, looking west:

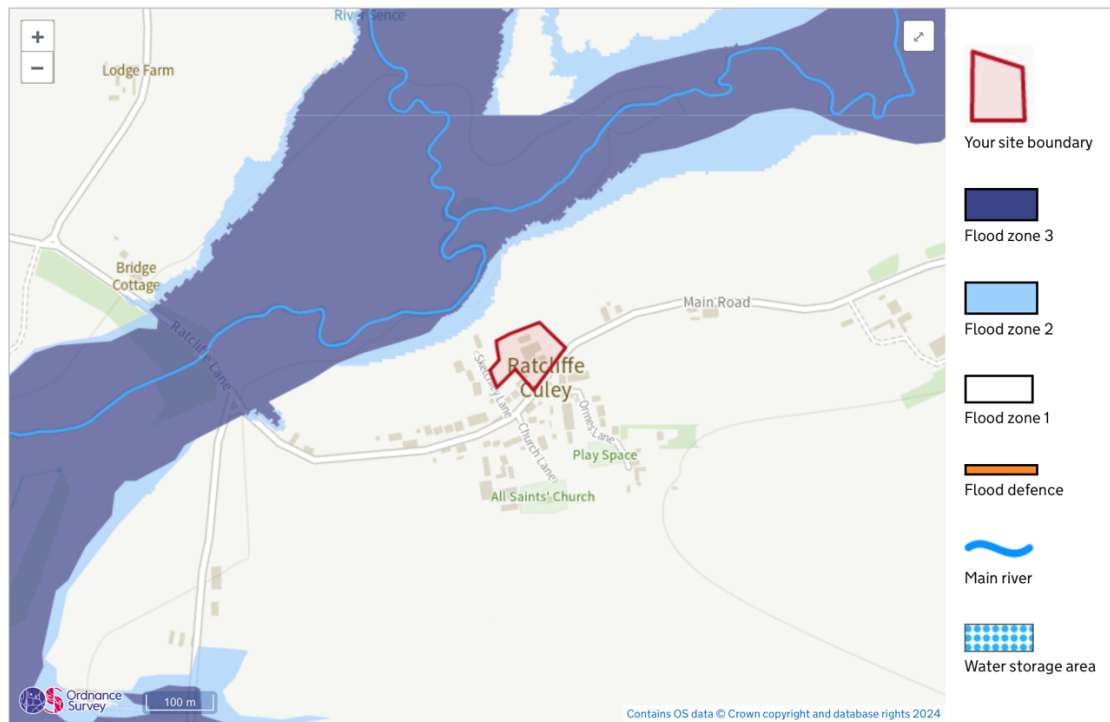


Heritage (on-site)

- 2.4 A review of Historic England and Heritage Gateway systems identifies the site to include no on-site heritage.

Flood Risk

- 2.5 A review of the Government database identifies the site to be located within flood zone 1, an area of land with the lowest likelihood of flooding and wholly appropriate for the most sensitive form of development, namely residential use.



Surroundings

- 2.6 The site is located within a residential area, close to the village public house and to the edge of the village.

3 Relevant Planning Legislation

- 3.1 Relevant to this planning submission is Schedule 2, Part 3, Class Q, of The Town and Country Planning ((General Permitted Development) Order 2015, as amended. Class Q – Buildings on agricultural units and former agricultural buildings to dwellinghouses, is set out below.

Permitted Development

Q. Development consisting of—

(a) a change of use of—

(i) a building that is part of an established agricultural unit and any land within that building's curtilage, or

(ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage,

to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

(b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or

(c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.

Development not permitted

Q1. Development is not permitted by Class Q if—

(a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—

(i) on 24th July 2023, or

(ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,

(b) in the case of a site that was (but is no longer) part of an established agricultural unit—

(i) the site was part of an established agricultural unit on 24th July 2023,

(ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or

(iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose,

(c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,

(d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—

(i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or

- (ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,
 - (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 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, other than—
 - (i) extension of the building allowed by paragraph Q.1(i);
 - (ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(i)(i),
 - (i) the development under Class Q(b) would result in an extension that—
 - (i) has more than one storey,
 - (ii) is sited anywhere other than to the rear of the existing building,
 - (iii) extends beyond the rear wall of the existing building by more than 4 metres,
 - (iv) has eaves the height of which exceed the height of the eaves of the existing building,
 - (v) is higher than whichever is the lower of—
 - (aa) the highest part of the roof of the existing building, or
 - (bb) a height of 4 metres above the ground,
 - (vi) extends beyond a wall that forms a side or principal elevation of the existing building, or
 - (vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—
 - (aa) the hard surface was not provided on the land on or before 24th July 2023, or
 - (bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,
 - (j) the development under Class Q(c) 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 (j)(i),
- (k) the site is on article 2(3) land,
- (l) 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,
- (m) the site is, or contains, a scheduled monument,
- (n) the building is a listed building,
- (o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it, or
- (p) the building does not have suitable existing access to a public highway.

Conditions

Q2.—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(c), 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 Schedule 1 to the Use Classes Order,
- (f) the design or external appearance of the building, and
- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

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

(2) Where the development proposed is development under Class Q(a) only, 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 the items referred to in sub-paragraphs (1)(a) to (e) and (g), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Where the development proposed includes development under Class Q(b), the developer must also apply, as part of the application under sub-paragraph (1) or (2) (as the case may be), for a determination as to whether the prior approval of the authority will be required as to the impact of the proposed extension on the amenity of any adjoining premises.

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

Interpretation of Class Q

Q3.—(1) For the purposes of Class Q, “curtilage” means the lesser of—

(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be), closely associated with and serving the purposes of that building, and

(b) an area of land immediately beside or around the building on an established agricultural unit or former agricultural building (as the case may be) no larger than the land area occupied by that building.

(2) For the purposes of Class Q.1 (d), “the original limits of an established agricultural unit” means—

(a) in the case of an established agricultural unit which ceased to exist prior to 24th July 2023, all the land which comprised the established agricultural unit at the time it came into existence;

(b) in the case of an established agricultural unit which exists on 24th July 2023, all the land which comprised the established agricultural unit at the time it came into existence;

(c) in any other case, all the land which comprises the established agricultural unit at the time it comes into existence

4 Planning Considerations

Interpretation of Class Q

- 4.1 From the outset, the national legislative provision enables the conversion of agricultural buildings to residential use, subject to specific conditions. The legislation is clear on the wording and acceptability of the allowance, and interpretation should be taken as the draughtsperson sought in writing.
- 4.2 Planning Practice Guidance provides guidance to applicants and local planning authorities on the rights of Class Q of Part 3 of Schedule 2. However, it is important to note that the guidance is currently out of date and does not align with the latest iteration of the legislation. Importantly, the guidance does set out whether there is a consideration for sustainability, with Paragraph 108 clearly stating the following:

The permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change the use to residential.

- 4.3 The guidance continues in paragraph 109 to state:

A local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

- 4.4 The proposal before the local planning authority is in accordance with the legislative framework, and the local planning authority has accepted that under the former Class Q submissions, development at this location is appropriate. The legislative framework has not altered significantly since the approval, and therefore there is no reason before the authority to alter the position on the appropriateness of residential development. Works to enable improvements to walls, openings, and roofs are all covered by Q1 (J)(aa) in the 2024 amendments to the legislation and enables in Q1 (h)(ii) for protrusions of up to 0.2 metres – which was not previously the case for former submissions.
- 4.5 All residential dwellinghouses proposed in this application fall below 150 sqm floorspace, with the total floorspace of all six dwellings not exceeding 1,000 sqm.

Transport and Highways

- 4.6 The application site will continue to be accessed via an existing vehicular access to the site. Given the proposed site transformation, the use would reduce the likelihood of heavy goods vehicles and farm machinery from accessing and egressing the site, replaced with the provision of private cars. Furthermore, all six units benefit from off-street parking provision.
- 4.7 No concerns were previously raised by Leicestershire County Council, the highway authority, that could not be secured via condition.

Noise impacts

- 4.8 The local planning authority has previously acknowledged that the proposed development would not result in noise levels that would adversely impact the surrounding area, according to its residential location.
- 4.9 The proposed development would, therefore, be considered appropriate.

Contamination Risks

- 4.10 The local authority's environmental health team raised no objection to the former development at the site. There has been no change to the former application and, therefore, no reason for a position different from that of environmental health officers.

Flooding Risks

- 4.11 The application site is located within Flood Zone 1, an area of land with the lowest likelihood of flooding. Therefore, prior approval would not be required in regard to flooding impact.

Practicality

- 4.12 The applicant has demonstrated within the site plans that the proposal will include the demolition of building 2, and private amenity space, parking provision, and appropriate layouts have been provided for all six residential dwellinghouses.
- 4.13 The area of outdoor curtilage is appropriate for each of the residential units.
- 4.14 The application is supported by structural surveys completed by Diamon Wood & Shaw Limited of buildings 1, 3, 4, and 5. The surveys clearly demonstrate that the buildings are capable of conversion from agricultural use to domestic dwelling.
- 4.15 The Surveys of the barns identify that structure of the barns was considered to include no damage, and barns that included pre-cast concrete panels could be over-clad or lined.
- 4.16 The latest legislation enables external alterations to agricultural barns, subject to the protrusions being no greater than 0.2 metres. The works required by this proposal ensure no protrusion exceeds this allowance.

Design

- 4.17 The design of the barns retain agricultural character, with new windows proposed for the gables, roof lights, and minimal number of side windows. The quality of the architecture highlights a positive approach to the conversion of agricultural buildings while utilising the legislative framework.
- 4.18 Barn 4 retains a design similar to the previous approval for its conversion to a residential dwellinghouse.
- 4.19 The proposed changes of use would sufficiently retain the character of the site, and as such, prior approval would not be required.

Natural Light

- 4.20 The applicant has ensured that all habitable rooms benefit from natural light, utilising appropriate levels of glazing, roof lights and internal configurations that maximise light to the ground floor.
- 4.21 The proposed floor plan and elevation drawings for each of the barns provide sufficient information to the local planning authority regarding the provision of light for each habitable room.

5 Conclusion

- 5.1 This application made to Hinckley and Bosworth Borough Council in accordance with Schedule 2, Part 3, Class Q, of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, sets out that conditions have been met and that the change of use of the agricultural barns is appropriate and that prior approval is required and is given subject to conditions.
- 5.2 We consider that the application is able to demonstrate the following:
- The site formed part of an established agricultural unit, but is no longer under an agricultural tenancy.
 - The agricultural barns are capable of conversion, as set out in the relevant structural surveys.
 - The floorspace of the dwellings will not exceed 150 sqm and cumulatively will not exceed 1,000 sqm. All the dwellings comply with the nationally described space standards and benefit from natural light to all habitable rooms.
 - The works would not result in protrusions greater than 0.2 metres to accommodate building operations.
 - The proposal does not intend to extend any of the agricultural buildings.
 - The building operations proposed include windows, doors, roofs, exterior walls, and connection to services – all acceptable under Class Q.
 - The site does not form article 2(3) land, and there are no heritage assets on site.
 - The application proposal will not result in negative impacts owing to:
 - Transport and highways;
 - Noise impacts of the development;
 - Contamination;
 - Flooding;
 - The location or siting of the buildings;
 - The design or external appearance.
- 5.3 We look forward to working with the local planning authority to deliver this site and request that prior approval be granted at the earliest opportunity to enable new residential dwellinghouses within the local planning authority area.