

Delegated Report

Officer: Ashleigh Gade
Title: Senior Planning Officer

Planning Ref: 25/00127/P3CQ
Applicant: Dr and Mr Julia and Stephen Pointon
Ward: Cadeby, Carlton, Market Bosworth and Shackerstone



Hinckley & Bosworth
Borough Council

Site: Carlton House Farm, Shackersone Walk, Carlton

Proposal: Notification to determine if Prior Approval is required for the change of use of three agricultural buildings to seven smaller dwellinghouses (Class C3)

1. Recommendation

1.1. Refuse prior approval subject to:

- Reasons for refusal detailed at the end of this report.

2. Planning Application Description

- 2.1. This is an application for prior notification under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the conversion of three existing agricultural buildings to seven smaller dwellinghouses (Class C3) at Carlton House Farm, Shackerstone Walk, Carlton.
- 2.2. The proposal involves the conversion of one block and concrete agricultural building and two steel frame agricultural buildings into seven dwellinghouses. It also involves the demolition of a fourth steel frame agricultural building.
- 2.3. Dwellings 01 and 02 are located within one of the steel framed agricultural buildings, located to the west of the cluster of existing agricultural buildings on the site. Dwellings 03 and 04 are located within the block and concrete agricultural building located to the south of the cluster. Dwellings 05, 06 and 07 are located within the other steel framed agricultural building, located to the east of the cluster. The buildings containing Dwellings 03 through 07 are attached to one another.
- 2.4. Dwellings 03 through 07 are located directly north of the public footpath (the Leicestershire Round) that crosses the application site.
- 2.5. The proposed dwellings all contain two bedrooms on the ground floor and a further bedroom within the first floor loft space. Dwellings 01 and 02 have total floor space of 133 square metres. Dwellings 03 and 04 have a total floor space of 148 square metres. Dwellings 05, 06 and 07 have a total floor space of 137.4 square metres, 134.9 square metres, and 136.5 square metres respectively.
- 2.6. Dwellings 01 and 02 involve the creation of two entrance doors with sidelight and transom windows, four glazed concertina doors, two windows, and four rooflights. The conversion also involves the replacement and infill of external timber and sheet

metal cladding to all elevations, and the replacement and infill of roof cladding including the infill of ten existing rooflights.

- 2.7. Dwellings 03 and 04 involve the creation of two entrance doors with single sidelight window, four glazed concertina doors, two courtyard doors, one courtyard window, and twelve rooflights. The conversion also involves the replacement and infill of external sheet metal cladding to all elevations, the removal of external cladding and roofing to create courtyard areas, the infill of the existing sliding barn doors, and the replacement and infill of roof cladding including the infill of ten existing rooflights.
- 2.8. Dwellings 05, 06 and 07 involve the creation of three entrance doors with single sidelight window, six glazed concertina doors, two courtyard doors, one courtyard window, and fourteen rooflights. The conversion also involves the replacement and infill of external sheet metal cladding to all elevations, the removal of external cladding and roofing to create courtyard areas, and the replacement and infill of roof cladding including the infill of ten existing rooflights.
- 2.9. The proposed demolition of the third steel framed agricultural building facilitates the provision of internal driveway areas and off-street parking provision for all seven dwellings. Each dwelling is provided with two parking spaces, interspersed with small planting beds.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located to the west of the village of Carlton and it is within the designated open countryside. The application buildings are sited approximately 90 metres north of the settlement boundary for the village.
- 3.2. The application site forms part of a wider agricultural holding known as Carlton House Farm. The agricultural holding includes a paddock to the east of the site access, and to the north and south of the application site then extending west. The total holding is 101.54 acres (41.1 hectares).
- 3.3. The application site comprises a cluster of four agricultural buildings, of which two are attached and two are freestanding. The two attached buildings are both rectangular in shape, one building is enclosed and the other is partially enclosed with an open front elevation. The western freestanding building is rectangular in shape and partially enclosed with an open front elevation. The northern freestanding building is of an irregular shape, appearing to have originally been rectangular with later additions, it is partially enclosed with open sections on the front and side elevations.
- 3.4. The application site has existing access from Congerstone Lane which is an adopted and classified 'C' road. Congerstone Lane is subject to a 30mph speed limit at the site's access point, however this increases to 60mph approximately 90 metres to the west.
- 3.5. The Leicestershire Round public footpath runs immediately to the south of the application buildings and converges with other public footpath areas to the west. The public footpath then branches off and continues to the north, east and south. The

section of the footpath that continues north is not directly adjacent the application buildings, but is visible from the application site.

- 3.6. The application site is surrounded by open countryside to the north. To the east and west is countryside land containing agricultural buildings that are sited generally visually in line with the application buildings. To the south is a small paddock and beyond that a series of dwellings within the settlement boundary, most of which have frontage to Shackerstone Walk.

4. Relevant Planning History

- 4.1. None relevant.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. Six objections have been received. The content of the objections has been summarised as follows:
- The speeds travelled at the access point typically exceed 30mph.
 - The visibility at the access point to Congerstone Lane is poor and has insufficient visibility.
 - The quality of the existing access drive is insufficient for residential use.
 - The application site has poor pedestrian connectivity to the village.
 - The application site is highly visible from the public footpath.
 - The application site is isolated from the rest of the village.
 - The proposal would interrupt the existing agricultural use of the buildings and the surrounding land.
 - The proposal does not adequately address refuse collection.
 - The proposal will have privacy and amenity impacts on surrounding dwellings and their gardens.
 - The proposal has insufficient turning space within the internal driveway areas.
 - The proposed dwellings 03 through 07 have insufficient access to daylight and ventilation.
 - The structural capacity of the steel portal buildings cannot support the proposed conversions.
 - The engineering reports note the need for additional structural appraisal.
 - The proposal warrants consideration under a full planning application.

6. Consultation

- 6.1. Carlton Parish Council object to the proposal, though they acknowledge the benefit of the provision of seven dwellings.

The Parish Council's objection is on the basis of the quality of the access track, traffic crossing the access to Dovecote Cottage and the footpath (Leicestershire Round), the lack of safe pedestrian access, the absence of a turning area east of plot 07, the density of residential development with poor relation to the existing settlement, and the lack of provision for bin storage at the highway boundary.

Carlton Parish Council have also expressed concern over the lack of outlook from plots 03-07, that the voids in the dwellings have not been used to provide storage space, and that while the floor plans show fireplaces these are not reflected on the elevations.

The Parish Council has requested that a speed survey be undertaken at the site entrance to determine vehicle speeds. Furthermore, should the Local Planning Authority (LPA) consider permitting the development Carlton Parish Council have requested widening of the access track, surfacing of the track, passing places on the track, marked pedestrian crossings along the track, bin areas at the highway, a path to connect the dwellings to Little Lane, additional parking spaces for visitors and deliveries, turning space east of the existing parking bays, EV charging stations, and provision for bat roosting sites.

- 6.2. LCC Highways have indicated that insufficient information has been provided to fully assess highway impact. Further information would be required with regard to detailed access drawings, intensification of access use, and impacts and upgrades to the public footpath including gated access points. The LHA have also noted that insufficient information has been provided with regard to waste collection given that refuse vehicle are unlikely to access the site.

Notwithstanding this, the Local Highway Authority (LHA) have noted that visibility splays will be possible and that the parking spaces accord with requirements.

- 6.3. HBBC Pollution have advised that the Phase I contamination assessment states a ground investigation would be required prior to development and that the scope of this is to be outlined in Section 6, however Sections 6 and 7 are missing from the report.

HBBC Pollution note that further intrusive works are required and may be conditioned.

- 6.4. HBBC Drainage have advised that the application site is located within Flood Zone 1. They have provided standard advice with regard to surface water drainage.

- 6.5. No response was received from HBBC Waste.

7. Policy

- 7.1. Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 3 Class Q (as amended)

- 7.2. National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)

8. Appraisal

- 8.1. The main considerations in respect of this application are whether the proposed change of use meets the criteria for permitted development of Class Q of the Town

and Country Planning (General Permitted Development) Order 2015 (GPDO), which relates to 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.

- 8.2. The Planning Practice Guidance (PPG) refers to the High Court in *Hibbit v Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council* [2016] EWHC 2852 ('Hibbit') and clarification the case provides on the interpretation of the word "conversion" as it pertains to Class Q. Paragraph 27 of Hibbit confirms that a "conversion" is conceptually different to a "rebuild". Consequently, Paragraph 105 of the National Planning Policy Guidance (NPPG) confirms that the permitted development rights within Class Q only apply where, "The existing building is already suitable for conversion to residential use."
- 8.3. It is considered that the proposal does not demonstrate the three agricultural buildings are capable of conversion. Notwithstanding the assertion within the Design and Access Statement that this has been demonstrated through the structural reports submitted, the LPA finds the reports submitted to be inconclusive on the suitability for conversion.
- 8.4. Section 3 of the Structural Survey states that each of the application buildings would require additional assessment for the loading applied to the structures from upgrades to the walls and roof. Recommendation 4.2 of the Structural Survey concludes that, *"The steel and concrete frames, together with the purlins and brick walls, should be assessed by a suitably qualified engineer (such as PRP) to ensure that any additional loads placed upon them, as a result of conversion to residential properties, can be safely sustained without undue distortion."*
- 8.5. The Structural Survey and Phase I Desk Study both identify the potential for cement and profiled metal sheeting on the buildings to contain asbestos. Both reports note suspected asbestos on the walls and roof of all three buildings and both reports conclude that all asbestos must be removed.
- 8.6. The Planning Officer attended the application site on 10 March 2025 and observed that the application buildings had cement/profiled metal sheeting to the roof and to either the upper or lower section of walls in all cases. In two cases the remainder of elevations on the building were either open or clad in open timber panelling. The

Structural Survey concludes that only one building is without a floor, however visual inspection suggested that two buildings had dirt or gravel floors.

- 8.7. It is also noted that the Preamble to the Phase I Desk Study states, *“Based on the construction of the structures on site, GRM consider that renovation and conversion may not be possible for some structures; therefore, the report assumes that the existing buildings will generally be demolished and replaced.”*
- 8.8. Considering the above, it is considered likely that at least two of the buildings will require complete replacement of the roof and all walls as well as the introduction of flooring. The remaining building will require complete replacement of the roof and replacement of the top section of all walls.
- 8.9. It is concluded therefore that the application has not demonstrated that the three buildings can be appropriately converted into residential use. The potential scope of works required to make the structures suitable for residential use is considered partially unknown due to the inconclusive statements within the Structural Survey. Nonetheless, the scope of work that is clearly established within the reports goes beyond what might reasonable be described as a conversion.
- 8.10. The Applicant has therefore failed to demonstrate that the proposal benefits from permitted development rights by way of being a conversion of agricultural buildings rather than a rebuild. Notwithstanding this, assessment of the proposal against Class Q is continued below for comprehensiveness.
- 8.11. Class Q of the GPDO was amended on 21 May 2024 to broaden the range of buildings that could be converted to dwellings, allow extensions to the buildings, and to increase the total number of dwellings from 5 to 10. The revisions to the GPDO also removed the right to create any dwelling with a floorspace of over 150 square metres and the eligibility of any building that does not have suitable existing access to a public highway.
- 8.12. The following section assesses the proposal against the criteria and conditions of Class Q, as amended 21 May 2024. In accordance with Paragraph W(3) the LPA may refuse an application where in the opinion of the authority-
 - (a) *The proposed development does not comply with, or*
 - (b) *The developer has provided insufficient information to enable the authority to establish whether the proposed development complies with*

Any conditions except for Paragraph Q.2(1)(g), limitations or restrictions specified in Part 3 applicable to the development.

Q.1. – 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,

The Applicant has stated that the site is currently part of an agricultural unit that existed on and prior to 24 July 2023. This is considered to be substantiated by historic aerial imagery.

(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,

The floor areas provided in the documentation provided by the Applicant, are confirmed. The application therefore accords this criterion.

Dwelling 01 – 133 square metres

Dwelling 02 – 133 square metres

Dwelling 03 – 148 square metres

Dwelling 04 – 148 square metres

Dwelling 05 – 137.4 square metres

Dwelling 06 – 134.9 square metres

Dwelling 07 – 136.5 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,

The cumulative number of separate dwellinghouses proposed under this application is 7. The cumulative floor space of the dwellinghouses has been calculated to be 970.8 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,

The site has been confirmed not to be occupied under an agricultural tenancy.

(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,

As per the information provided, no agricultural tenancy has been terminated in the past year.

(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,

No 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 unit within 10 years of date of development under Class Q.

(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(j)(i),*

The development would not result in the external dimensions of any of the buildings extending beyond the external dimensions of the existing buildings.

(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,*

The development would not result in any extension to the application buildings.

(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),

The Planning Practice Guidance and relevant case law both establish that while the above building operations are permitted under Class Q, the agricultural building must still reasonably be capable of functioning as a dwelling with works only required to reasonably convert the building. It is not the intention of Class Q.1(j) to allow for rebuilding.

It has been highlighted earlier in this report that the Applicant has failed to demonstrate that the three buildings can be appropriately converted for residential use. It is therefore considered the works required to convert the buildings go beyond what is reasonably permitted by Q.1(j)(i) and therefore the proposal fails on this criterion.

Further to the above, the proposal involves the demolition of sections of roof and walls on the southern elevation of Dwellings 03 through 07, to allow for a courtyard area. The courtyard area has been incorporated through evident difficulty in providing access to natural light and ventilation to Dwellings 03 through 07, that otherwise only benefit from windows or doors on their northern elevation.

The proposal also involves the demolition of an existing steel framed agricultural building currently used for hay storage. The demolition of this building facilitates the internal driveway and parking spaces for the proposed dwellings.

It is considered that the partial demolition to two of the three application buildings demonstrates their inability to be reasonably converted. The demolition changes their visual form on the southern elevation and would involve removal of some of the only sections of Dwellings 03 and 04 that would otherwise be structurally fit for retention.

There is not considered to have been any reasonable argument put forth by the Applicant for the demolition of the large agricultural building, particularly given its current functional agricultural use. Furthermore, its demolition represents the full demolition of an existing structure rather than a partial demolition.

The proposal is therefore considered to go beyond what is permitted by Q1(j)(ii) and fails on this criterion.

(k)the site is on article 2(3) land,

The site is not 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,

The site does not form part of a site of special scientific interest, a safety hazard area, or a military explosives storage area.

- (m) the site is, or contains, a scheduled monument,*

The site is not and does not contain a scheduled monument.

- (n) the building is a listed building,*

None of the buildings within the application site are listed.

- (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*

The buildings would be capable of complying with the nationally described space standard.

- (p) the building does not have suitable existing access to a public highway.*

The application buildings have an existing access to a public highway however it is not considered that it has been proven that the access is suitable due to insufficient information provided to the LHA.

Conditions

- Q.2. – (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 impact of the development,*

The LHA have advised that insufficient information has been provided to fully assess the transport and highways impact of the development.

- (b) noise impacts of the development,*

It is not considered that the noise impacts of the development would have a significant adverse impact on any neighbouring or prospective occupier residential amenity.

- (c) contamination risks on the site,*

HBBC Pollution have advised that sections within the Phase I contamination assessment report are missing. Notwithstanding this, they have advised that further intrusive works are required and may be conditioned.

- (d) flooding risks on the site,*

According to the Environment Agency (EA) website, the application site is located within Flood Zone 1, designated as low probability of flooding from rivers and sea, and the principle of residential development in low flood risk areas is acceptable.

- (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 application site is located outside the settlement boundary of Carlton, to the north and west of existing dwellings within the settlement boundary but otherwise proximate only to other agricultural buildings.

Notwithstanding this it is not considered the application site is so isolated from surrounding dwellings or the settlement boundary so as to make its location impractical or undesirable. Therefore, the development is not considered to be located in an impractical or undesirable location for the buildings to change from an 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, and*

The overall design and external appearance of the buildings are not considered to result in any significant harm to the character of the surrounding area.

- (g) the provisions of adequate natural light in all habitable rooms of the dwellinghouses*

It is considered that the layout of the site presents significant issues in ensuring adequate natural light provision to the buildings.

The direct adjacency of the southern elevation of Dwellings 03 through 07 to the public footpath (Leicestershire Round) has resulted in the proposal involving partial demolition of sections of the existing buildings to form small courtyards for access to natural light.

It is considered that the courtyard design essentially forms an open-air lightwell that would provide insufficient light to the three windows they are designed to serve. The courtyard

lightwell provides the only windows to the ground floor bedrooms on Dwellings 03 through 07.

In addition, the ground floor bedroom windows on Dwellings 01 and 02 are considered insufficient. The window to Bedroom 1 in both dwellings is of particular concern as it has a total glazed area of just 0.52 square metres. It is considered that these windows do not provide adequate natural light.

Dwellings 03 through 07 therefore rely almost exclusively on their northern elevation for the provision of natural light, which is not considered to be sufficient.

It is therefore considered that the application fails to provide adequate natural light to habitable rooms of the dwellings.

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 subparagraphs (1)(a) to (e) and (g), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.*

This has been undertaken by the Applicant in making this application.

- (3) *Development 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.*

Note to applicant

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.

It is considered that the proposal facilitates private open space for Dwellings 01 and 02 by expanding the existing curtilage of the building to be converted. It facilitates the internal driveway and parking areas for Dwellings 01 through 07 by extending the curtilage of the three converted buildings both beyond any existing

building curtilage on the site, as well as into the footprint and curtilage of the building proposed to be demolished.

It is therefore considered the proposal amounts to an area larger than the land currently occupied by the three buildings, and that the proposal cannot be considered permitted development.

(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.

The application site is considered to be within the original limits of the agricultural unit as it existed on 24 July 2023.

9. Equality Implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The application is not considered to meet the requirements of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore is not considered to benefit from Permitted Development Rights. Furthermore, were the proposal to comply with the relevant conditions of Class Q, prior approval is refused as the development fails to provide adequate levels of natural light in all habitable rooms.

11. Recommendation**11.1 Refuse prior approval** subject to:

- Reasons for refusal detailed at the end of this report.

11.2 Reasons

1. The Applicant has failed to demonstrate that the proposal benefits from permitted development rights by way of being a conversion of the three buildings rather than a rebuild. Consequently, it is the opinion of the Local Planning Authority that the works required to the structures would be of such magnitude that they would go beyond what might sensibly or reasonably be described as a conversion. The proposal therefore does not comply with the limitations of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) order 2015 (as amended).
2. The Applicant has failed to demonstrate that the scheme's demolition of the existing fourth agricultural building is reasonably necessary to facilitate building operations allowed by Paragraph Q.1(j). Furthermore, the demolition of the building is not considered to represent a partial demolition reasonably necessary to facilitate building operations, but instead the full demolition of an existing building. The proposal therefore exceeds the limitations of, and does not comply with, Paragraph Q.1(j)(ii) of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) order 2015 (as amended).
3. The dwellings would not be provided with adequate levels of natural light to all habitable rooms, due to the layout of the site and the design of the dwellings. The proposal therefore does not comply with Paragraph Q.2(g) of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) order 2015 (as amended).
4. The curtilage for the three buildings would exceed the area of land occupied by the respective buildings. The proposal therefore does not comply with Paragraph Q.3(1) of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) order 2015 (as amended).

Note to Applicant

1. The application has been determined in accordance with the following submitted details:

- Application Form
- Design and Access Statement 9138 Rev B
- Structural Survey
- Phase I Desk Study
- Site Location Plan 9138-01-01 PL2
- Site Plan 9138-01-020
- Survey Barn A-B 9138-01-021
- Survey Barn D 9138-01-022
- Proposed Site Plan 9138-03-01 PL3
- Proposed Site Plan Wider Context 9138-03-010 PL2
- Proposed Floor Plans Plot 01-02 9138-03-020 PL2
- Proposed Floor Plans Plot 03-04 9138-03-021 PL2
- Proposed Floor Plans Plot 05-07 9138-03-022 PL2
- Proposed Elevations Plot 01-02 9138-03-031 PL2
- Proposed Elevations Plot 03-07 9132-03-030 PL3

All submitted 14.02.2025.