

Delegated Report

Planning Ref: 23/01207/P3CQ
Applicant: Mrs Vicki Garland
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Ratcliffe House Farm Ratcliffe House Lane Ratcliffe Culey

Proposal: Conversion of agricultural building to dwellinghouse

1. Recommendations

- 1.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This is an application for prior notification under Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the conversion of an existing agricultural building into a single storey, two-bedroom dwellinghouse at Ratcliffe House Farm, Ratcliffe House Lane, Ratcliffe Culey.
- 2.2. The development is to provide an additional dwelling for the Applicant's son within the family farm.

3. Description of the Site and the Surrounding Area

- 3.1. The 450sqm application is located to the southeast of, outside of, the rural hamlet, Ratcliffe Culey, in the designated open countryside. The application site is wholly rural in character and is surrounded by agricultural fields. However, within the application site there are three existing agricultural buildings, a residential dwelling to the east, a large pond to the south, and a 3.5 MW solar farm to the north, which was approved via planning permission 15/00560/FUL.
- 3.2. The agricultural building subject to conversion is a steel portal framed structure that externally measures 30.8m in width by 14.7m in depth, with a total footprint of 452.2sqm. The property features a pitched roof with a ridge height of 8.2m and an eaves height of 5m. The structure is constructed with concrete panels with Yorkshire boarding above and corrugated fibre cement sheeting roof cladding. The building's southern elevation is open sided and divided into six equal bays with steel supports. The current use of the building is for the storage of feed and livestock.
- 3.3. The development is accessed via a 350m private single-track road that leads onto Ratcliffe House Lane, which is also an adopted, but unclassified, single-track road that is subject to the National Speed Limit. Footpaths T21 and T36 run to the northeast-to-southwest and to northwest-to-southeast respectively to the north of the site beyond the solar farm. A further Public Right of Way (PRoW), Footpath T35, runs north-to-south along the western boundary of the solar farm.

4. Relevant Planning History

- 4.1 **23/00714/FUL**
- Retrospective application for the construction of an agricultural storage barn
 - Permitted
 - 03.10.2023

4.2 **18/00188/GDO**

- Agricultural building for grain storage
- General Development Order
- 29.03.2018

4.3 **16/00629/NOMAT**

- Non-material amendment to planning permission 15/00560/FUL to add a mesh wire compound around the transformers, add a weather station to the communications building, reduce size of side substation and alter size of inverter stations
- Permitted
- 04.08.2016

4.4 **15/00560/FUL**

- Erection of a 3.5 MW solar farm and associated infrastructure
- Permitted
- 17.08.2015

4.5 **15/00016/SCOPE**

- Solar Farm proposal
- Opinion Issued (Scoping)
- 26.01.2015

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. No responses have been received.

6. Consultation

6.1. No objections have been received from the following:

- Hinckley and Bosworth Borough Council (HBBC)'s Environmental Services' Pollution Officer (subject to conditions)
- Witherley Parish Council

6.2. The Local Highway Authority did not comment on the application and referred to their current standing advice.

6.3. No further comments have been received.

7. Policy

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

7.2. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (December 2023)
- 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, which relates to development consisting of a change of use of a building and any land within its

curtilage from a use of an agricultural building to a use falling within Class C3 (dwellinghouses) of Part 3 of Schedule 2 of that Order.

- 8.2. For the purpose of Class Q, a, “*Larger dwellinghouse*,” means a dwellinghouse developed under Class Q which has a floor space of more than 100 square metres and no more than 465 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. On the other hand, a, “*Smaller dwellinghouse*,” means a dwellinghouse developed under Class Q which has a floor space of no more than 100 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.

Q.1. – (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 time 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 has been regarded as an agricultural building since, and prior to, 20th March 2013.

- (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;*
 - (ba) *the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;*

Only one dwellinghouse is developed within this scheme with a footprint of 446sqm.

- (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 Classes Order exceeds 100 square metres.*

The development is classified as a larger dwellinghouse and complies with the requirements of Q.1(b).

- (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;*

No previous development under Class Q is established within the site and the building subject to the Class Q development has a floorspace of 446sqm and only converts the structure into one dwellinghouse.

- (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.

- (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

An agricultural tenancy over the site has not been terminated less than 1 year before the date development begins.

- (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*

Planning application 18/00188/GDO granted prior approval for the development of a barn within the application site. However, this development was never constructed.

- (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 scheme does not result in the external dimensions of the building 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 dwellinghouse; and

The scheme only consists of the building operations identified within Q.1(i).

(ii) Partial demolition to the extent reasonably necessary to carry out building operations allowed by Paragraph Q.1(i)(i);

The proposal does not involve any demolition of the existing building.

- (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*

The application site is not on article 2(3) land, it does not form a site of special scientific interest, a safety hazard area or a military explosives storage area and the site does not contain a scheduled monument, nor is the building a Listed Building.

Conditions

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,*

The scheme utilises, and makes no amendments to, the existing access into the wider application site. As the development is for the conversion of one agricultural building into a dwellinghouse, this is not considered to significantly intensify the use of the existing site and its access.

The proposal also provides a sufficient quantum of off-street parking spaces in accordance with Paragraph 3.151 of Part of the Leicestershire Highway Design Guide (LHDG). The dimensions of these parking spaces also comply with the requirements of Paragraph 3.165 of Part 3 of the LHDG.

Therefore, the development is not considered to have a severe, unacceptable impact on highway safety or the road network.

- (b) *noise impacts of the development,*

The proposal is for one two-bedroom dwelling and therefore it is not considered that the noise impacts of the development have a significant adverse impact on neighbouring residential amenity.

- (c) *contamination risks on the site,*

Planning conditions have been utilised to secure the investigation of any land contamination risks within the application site prior to any development commencing on site.

- (d) *flooding risks on the site,*

The application site is within Flood Zone 1 and is not considered at risk of flooding.

- (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,*

Although the application site is outside of defined settlement boundaries, there is another residential dwelling within the application site. Whilst the building is sited adjacent to an operational agricultural unit, a planning condition is utilised to ensure that the property is occupied by person(s) associated with Ratcliffe House Farm to ensure that the occupier(s) of the dwelling are not subject to noise and odours, outside of their control, that would have an adverse impact on their amenity. By virtue of these factors, the application is not considered to be located in an impractical or undesirable location for the building 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 design and external appearance of the building retains the same scale, massing, and use of materials as the existing building and it is not considered to have a significant adverse impact on the character of the building or the surrounding area.

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

There are large windows to every habitable room. Therefore, it is considered that the application provides an adequate provision of natural light in all habitable room of the dwellinghouse.

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

The application accords with the provisions of Paragraph W (prior approval) of this Part.

- (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.*

Note to Applicant.

- (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.

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 meets the conditions of Class Q of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is considered that the application is acceptable and is in accordance with the conditions and the provision of Paragraph W of the General Permitted Development Order (2015) (as amended).

- 10.2. A condition is attached to ensure that the dwelling stays within the floorspace limits allowed under Class Q.

11. Recommendation

11.1 Prior approval required and granted subject to:

- Conditions outlined at the end of this report.

11.2 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - Existing Plan and Elevation (submitted: 04.01.2024)
 - Existing Site Location Plan, Drg No. 23/19 12A (submitted: 13.12.2023)
 - Proposed Plan and Elevation (submitted: 04.01.2024)
 - Site Plan, Drg No. 23/19 15B (submitted: 13.12.2023)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to, and approved in writing by, the Local Planning Authority, which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. If during development contamination not previously identified is found to be present at the site no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to, and approved in writing by, the Local Planning Authority, which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The developed hereby permitted shall not be occupied until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted in writing to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To ensure that the development makes adequate provision for waste and recycling storage in accordance with Section 46 of the

Environmental Protection Act 1990 and Hinckley and Bosworth Borough Council's Wheeled Bin and Container policy (updated March 2018).

5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Site Plan 23/19 15B (submitted: 13.12.2023). Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

6. The dwelling shall be restricted to a maximum floorspace of 465 square metres.

Reason: To ensure that the dwellings remains within the size limits set out in Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

a. **Notes to Applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. In relation to Conditions 02 and 03, advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.
3. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018). It would be advisable to include an area near the roadside for the safe placement of the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.
4. The surface water drainage system for the proposed development should incorporate sustainable drainage principles (SuDS) to mitigate the risk of flooding on the site and ensure that surface water runoff does not increase flood risk elsewhere. The proposals should also include measures to address issues of water quality in accordance with current SuDS guidance.
5. The proposed outfall for the discharge of surface water runoff from the development should be in accordance with the hierarchical approach outlined in Building Regulations Part H.
6. The use of infiltration drainage is preferred, subject to the site being free from a contaminated ground legacy. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced.

7. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.