

This matter is being dealt with by
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The Planning Department
Hinckley and Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
Leicestershire
LE10 0FR

Our ref: 2001517.8

12th December 2023

Dear Sir/Madam,

**The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
Statutory Instrument 2015 No. 596**

**CLASS Q PRIOR APPROVAL FOR THE CONVERSION OF AGRICULTURAL BARN TO NO. 1
RESIDENTIAL DWELLINGHOUSE (CLASS C3)**

Site: Ratcliffe House Farm, Ratcliffe House Lane, Ratcliffe Culey, Atherstone, CV9 3LZ

Introduction

1. We write on behalf of Mr and Mrs Garland ("our clients") and are pleased to submit a planning application for prior approval to the local planning authority to change the use of no.1 agricultural building to residential use (no. 1 dwelling) at the above address under Class Q of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 ("the Order").
2. The submissions are supported by the following schedule of drawings, prepared by Hayward Architects:
 - Site Location Plan (Drawing No. 12A)
 - Proposed Floor and Elevation Plans (Drawing No. 14A)
 - Proposed Site Plan (Drawing No. 15B)
3. The submissions are also supported by a structural survey and assessment, prepared by BK Consultants:
 - Structural Report (Prepared by BK Consultants)
4. The submission has been made electronically via the Planning Portal alongside this letter. Payment in the amount of £322.00 made payable to Hinckley and Bosworth Borough Council has been submitted via the Planning Portal.

Background and site description

5. The building associated with this application was in sole agricultural use on and prior to March 22nd 2013. The below image taken from Google Earth represents the layout of the site in September of 2011 and demonstrates the presence of the agricultural unit and its full operation over 10 years prior to October 2023.



6. The site covers an area of no more than the footprint of the building to be converted and is designated as countryside, within the red line area shown on the attached location plan. The site lies to the south of the rural village of Ratcliffe Culey.
7. The extent of the site is indicated on the attached site location plan, drawing no.12A Access to the site is currently taken from an unmarked lane, used regularly by the applicant to access the main farmhouse and agricultural buildings associated with Ratcliffe House Farm. This access point meets Ratcliffe House Lane to form a 'T' junction and therefore has high levels of visibility and visual splays. The site does not lie within a designated Conservation Area, nor is it subject to any other formal designations.
8. Retrospective planning permission has recently been granted (ref: 23/00714/FUL) for the regularisation of works to erect the westernmost barn of the agricultural holding. This building will remain fully operational to support the wider agricultural use.
9. The applicants own the family farm and require an additional dwelling for their son, who farms at the family farm. The Class Q proposal provides an opportunity to provide a dwelling house in proximity to the primary family home. It will change the use of an agricultural storage building to a more appropriate use. The proposals will result in an enhancement to the immediate setting of the area around the vacant outbuilding and is considered to raise no conflict with national planning policy.

Description of the Building

10. The building in its current condition comprises of a duo-pitched, steel portal frame construction. Three of the elevations are constructed of blockwork with timber cladding above. One of the elevations is open sided, divided into six equal bays with steel supports. The overall height of the structure is 6 metres, with a footprint of 446sq.m. Gable walls are located at either end of the structure and are positioned either side of the apex.
11. The roof cladding comprises of corrugated fibre cement sheeting, supported on cold formed purlins and rails. The lower section of each wall comprises concrete panels with Yorkshire boarding. The floor of the structure is a mainly solid concrete slab.



12. It is evident that the building is in good condition, is of substantial design and is permanent in nature. This is ratified in the structural report provided by BK Consultants.



13. The current use of the building subject of this application is agricultural storage of feed and livestock. The agricultural barn that forms the subject of this application is the nearest barn to the existing farm house at Ratcliffe House Farm, so it will be well positioned and relatable to the existing residential dwelling. The conversion of the barn will remove the agricultural activity from the immediate setting of the farmhouse.



The Proposal

1. The proposed conversion of the no. 1 building has been designed to be sympathetic in relation to the existing built form of the barns and farmhouse. The proposal will result in a high quality no. 2 bedroomed family home.
2. The total gross external area of the building is 446m² and the proposal utilises the entire internal floorspace of the barn to create a large single storey dwelling. The vast majority of existing blockwork will be retained, and cladding identified on the plans will not extend beyond the existing envelope of the building. Every opportunity has been taken to utilise the existing apertures, where windows have been created inside the existing envelope.
3. The site curtilage of the building is no larger than the footprint. Within the curtilage will be a degree of landscaping, alongside accommodation for the access. Details of the landscaping proposed on-site are suggested to be secured by an appropriate pre-commencement condition.
4. Access to the highway will be taken from the existing access.
5. Conversion of the existing agricultural barn will require external treatment to the façade of the building to accommodate for new window and door openings to provide natural daylight and circulation. The palette of materials set to be used will be similar to existing materials. This is to ensure there is minimal visual impact as a result of the proposed dwellings.

6. The walls of the structure subject to this Class Q application will remain largely unaltered, except for the introduction of 1x new elevation to the front of the barn. Full profile Yorkshire boarding is to be installed on all four elevations. The timber will be graded in various tones, sympathetic to the existing built structure and to provide visual interest. The existing corrugated cement mix is to be fully replaced with a zinc standing seam roof, maintaining the visual balance between the walls and the roof whilst providing the higher quality of roof required for dwellinghouses.
7. Windows and doors will be positioned to utilise existing apertures wherever possible. The windows will be aluminium framed and powder coated in a colour sympathetic to the structure and existing built environment. Doors will be vertical boarded and finished in a natural preservative, further maintaining the character of the timber to be installed.

Class Q Assessment

Having regard to Class Q of the Order, permitted development consists of:

- a) *“a change of use of a building and any and within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or*
- b) *Development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule*

Section Q.1 Assessment

8. It is considered that the development, which aims to convert the existing agricultural building to residential use, forms Class Q development, and that the local planning authority should give a determination as to whether prior approval is warranted for the proposed development having regard to the following factors:
 - a. The proposal forms Section Q (a) development as the agricultural building is long standing and well established in the wider agricultural unit. Furthermore, the site, pursuant to the proposed development outlined above, was solely used for agricultural purposes prior to, on and after the 20th March 2013 or 10 years before the date of submission, in accordance with section (a).
 - b. The cumulative number of larger dwellinghouses within the established agricultural unit will not exceed 3, as the proposal includes 1 No. larger dwellings, with no dwellings having been constructed previously upon the agricultural unit via Class Q. The floorspace of the No. 1 larger dwellinghouses proposed would be 377.7sqm, in accordance with section (b) (i).
 - c. There have been no previous smaller dwellinghouses constructed on the agricultural unit under Class Q and there are no smaller dwellinghouses proposed in this prior approval application, raising no conflict with Section Q.1 (ba) (c) and (d).
 - e. The site is not occupied under an agricultural tenancy and no express consent is required, in accordance with section (e) and (f).

- g. No development under Class A (a) or Class B (a) of Part 6 of Schedule 2 (agricultural buildings and operations) has been carried out on Ratcliffe House Farm since 20th March 2013 in accordance with Section Q.1 (g). Prior approval was previously sought and deemed not to be required under application 18/00188/GDO for the construction of an agricultural building to the west of the existing built development. The barn permitted via prior approval was however never erected and the permission has since lapsed. A barn extension projecting west from the northern barn was erected without permission. This extension to the barn was sited in a different location to that which was approved under application 18/0188/GDO and subsequently does not constitute development under Class A (a) or Class B (a). A retrospective application (23/00714/FUL) to regularise the barn extension was approved by the Council on the 3rd October 2023, therefore the new barn benefits from full planning permission.
- h. The development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point raising no conflict with Section Q.1 (h)
- i. The agricultural building to be converted is clearly of high quality, with three structurally sound and complete elevations and a suitable roof. The proposal intends to construct one elevation and replace the existing timber slats to provide insulation inside. These building operations by no means amount to what was proposed in the Hibbitt case, which is widely applied as a benchmark when assessing the extent of structural operations being 'reasonably necessary' to convert to a dwellinghouse. The Hibbitt case comprised the construction of three new elevations to enable the building to convert the building to a dwelling.

Recent appeal history has opted favourably on cases which involve the construction of one elevation and the insulation of other elevations.

At Alfrick¹ an Inspector considered a barn which was enclosed on three sides by concrete and timber board walls. At paragraph 11 the Inspector recognised that the insertion of a new wall and windows and doors would alter the exterior of the barn but were nevertheless reasonably necessary to convert the building to residential use.

In Burnham² an Inspector considered an entirely open sided barn and at paragraph 5 took the view that insertion of new walling within the steel structure fell squarely within the scope of works permitted by Class Q.

At Abberley an Inspector considered the addition of new walling and openings and concluded that the amounted to conversion. At paragraph 15 it was noted that the existing structure would play a supporting role for the new elements and that this represented a critical difference from other proposals where stand alone internal structures were used.

This submission is³ supported by a structural report, prepared by BK Consultants. The report confirms the structural steelwork is in good condition, and any areas of rust will be cleaned and painted. Additional bracing may be required when the structure is fully clad, however these works will amount to reasonably necessary for the conversion to a dwellinghouse.

¹ APP/J1860/W/22/3303381

² APP/N0410/W/22/3297740

³ APP/J1860/W/21/3275424

Overall, the structural report confirms the above building operations, alongside the installation of windows and doors as is typical with a Class Q conversion would be deliverable from a structural sense and will be reasonably necessary, in accordance with paragraph Q1 (i).

- j. The application site is not on article 2(3) land, nor is it a site of special scientific significance, a safety hazard area, a military explosives storage area, a scheduled monument or a listed building, in accordance with sections (j) to (m).

Section Q.2 Assessment

- 9. It is considered that the proposed development demonstrably meets the conditions set out Section Q.2 of the Order, for the following reasons:

(a) transport and highways impacts of the development

- 10. The site benefits from a clear and distinct access point off of the highway, with clear and established visibility splays. These splays will be retained as part of the proposed development. The vehicular and pedestrian movement extends into the plot via the driveway of the existing farmhouse. This road is capable of receiving most kinds of vehicles, including horse boxes and private cars. The site has a generous turning area and the associated hardstanding also serves as benefit for traffic. The access surface is concrete; the approach to the proposed faces doors will be clear and direct with level thresholds to facilitate access by wheelchair.

(b) noise impacts of the development

- 11. The development will not suffer adverse impacts as a consequence of noise generated from surrounding development, nor will it give rise to unacceptable noise impacts. The development will result in a residential use nearby to the existing residential property, effectively displacing the closest working farm activity thus improving the residential amenity for the existing residential property.

(c) contamination risks on the site

- 12. The site does not have a contamination constraint and the building itself was used previously as a grain and equipment storage. It is therefore unlikely that significant contamination is present within the sub-surface and contamination risk is likely to be low.
- 13. In accordance with National Planning Policy Guidance, it may be the case that the proposals are acceptable subject to appropriate conditions. The applicant will liaise with the Council's Environmental Health department to agree upon an appropriate scheme of conditions to ensure implementation of any recommended actions.

(d) flooding risks on the site

- 14. According to the Environment Agency's Flood Maps the site is not identified as being within an area at risk of suffering a 1 in 100 year flood event, nor is it in proximity to any nearby watercourses. The proposed development will not be intensifying flood risk to the wider site.

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order

15. The proposed conversion of the building will not harm the character of the area and overall appearance of the countryside, as the inherent character and form of the building will be retained through the external works proposed. The proposal used materials which are closely associated to the existing building and those which are typically found in the context of a farmstead.

(f) The design or external appearance of the building

16. The proposed conversion of the building will not harm the character of the area and overall appearance of the countryside, as the inherent character and form of the building will be retained through the external works proposed. The proposal used materials which are closely associated to the existing building and those which are typically found in the context of a farmstead.

(g) The provision of adequate natural light in all habitable rooms of the dwellinghouse

17. As demonstrated on the submitted drawings, the proposed unit will be afforded adequate provision of natural light, with all habitable rooms served with at least one window.

The National Planning Policy Framework

i) Principle of the Development

18. The principle of the conversion is to install a lightweight construction within the structure of the existing building. The proposal will comfortably adhere to the floor size limit associated with Class Q development.
19. The acceptability of the principle of development for the proposed conversion is also enshrined in paragraph 80 of the updated National Planning Policy Framework ("The Framework") (2021). It states that planning policies and decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply.
20. Of reference to this application is sub-point C of paragraph 80 which states that isolated homes in the countryside would be acceptable "where the development would re-use redundant or disused building and enhance its immediate setting".
21. The proposal is considered to be demonstrably compliant with paragraph 80 of the NPPF as the development will re-use a redundant building on the site; of which the physical refurbishment and landscaping, will lead to an enhancement of the immediate area.
22. In light of these special circumstances, and the current primacy of paragraph 80 of the Framework, it is considered that the proposal is acceptable in principle.

Conclusions

23. In light of the forgoing, it is considered that the proposal accords with Class Q of the Town and Country Planning (General Permitted Development) (Amendment and Consequential

Provisions) (England) Order 2015 (“the Order”) and that planning permission should be granted without delay.

24. The Council are in receipt of sufficient information to allow this application to be validated and we look forward to confirmation of that shortly.

25. If you require any clarification or additional information, please do not hesitate to contact Lizzie Beresford or Jack Wilkins using the details below.

Yours sincerely

Lizzie Beresford
Principal Planner



Jack Wilkins
Planner

