

Delegated Report

Planning Ref: 25/00380/P3CQ

Applicant: Mr John Knott

Ward: Cadeby, Carlton, Market Bosworth and Shackerstone



Hinckley & Bosworth
Borough Council

Site: Land south of Bosworth Road, Bull In The Oak, Cadeby

Proposal: Notification to determine if Prior Approval is required for the change of use of an agricultural building to a dwellinghouse (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 an existing agricultural building to a dwellinghouse (Class C3) at land south of Bosworth Road, Bull In The Oak, Cadeby. The application is a resubmission following the refusal of Prior Approval under previous application 24/00884/P3CQ.
- 2.2. The proposal involves the conversion of one steel frame building into one dwellinghouse. The existing building externally measures 9.35 metres in width by 9.37 metres in depth, resulting in a total footprint of 87.72 square metres. It has an eaves height of 3.65 metres and a ridge height of 5.1 metres.
- 2.3. The proposed dwelling contains living spaces on the ground floor and two bedrooms and a bathroom within a loft space. The dwelling has a total floor space of 115.3 square metres.
- 2.4. The proposed dwelling conversion involves the replacement and infill of external timber wall cladding, replacement of roof sheeting, replacement of the existing large steel doors with two wooden barn-style doors, the creation of two single external doorways, two loft space windows, and the installation of concertina-style doors and large windows within currently open sections of the building, surrounded by partial infill of wooden cladding. The reinstatement of four rooflights into the new roof sheeting is proposed, two on either side of the existing gable roof slope.
- 2.5. The proposal includes the provision of car parking spaces and private outdoor amenity space within the immediate curtilage of the existing building. The dwelling is provided with two parking spaces, located alongside the north-western elevation in a tandem arrangement. The private outdoor amenity space wraps around the building in a horseshoe layout and includes the area comprising the two parking spaces.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located to the east of Market Bosworth and is outside of the Market Bosworth settlement boundary, within the designated open countryside.
- 3.2. The application site contains a steel portal timber-clad building and its immediate surrounds. The application site is located north of Bosworth Caravan Site and the wider land holding contains a number of agricultural buildings and plots for caravans.
- 3.3. The existing building within the application site is square in shape. The building is steel portal framed with two large steel doors and timber wall cladding on its front elevation, and partial timber wall cladding on all other elevations. It has corrugated sheeting on the roof.
- 3.4. The application site is accessed from Bosworth Road to the north. Bosworth Road is an adopted and classified 'C' road which has a speed limit of 40mph at the site's access point.
- 3.5. The application site is surrounded by open countryside to the north and a ribbon of residential development north of The Park to the north-west. To the east is countryside land including the buildings forming part of the Bull In The Oak Farm on the corner of Bosworth Road and Ashby Road. To the west is Market Bosworth Country Park. To the south is Market Bosworth Rugby and Football Club and beyond that further open countryside land.

4. Relevant Planning History

- 24/00884/P3CQ
- Notification to determine if Prior Approval is required for the change of use of an agricultural building to a dwellinghouse (Class C3)
- Prior Approval Refused
- 13.11.2024

- 19/00106/COU
- Change the use of land and stables to equestrian use for horse therapy centre
- Withdrawn

- 00/00196/COU
- Construction of manège
- Planning Permission
- 28.04.2000

- 95/00873/FUL
- Erection of stable and tack room
- Planning Permission
- 04.01.1996

- 93/00018/4
- Erection of an agricultural building

- Planning Permission
- 24.03.1993
- 92/00139/4
- Agricultural vehicle access
- Planning Permission
- 24.03.1992

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. One objection was received. The content of the objection has been summarised as follows:
- The Applicant has not provided sufficient evidence that the building was part of an established agricultural unit.
 - The building does not appear to meet the requirements for conversion under permitted development.
 - The proposal will impact views from Market Bosworth Country Park and the Market Bosworth Conservation Area and should be supported by a robust screening plan that also addresses light pollution.
 - There should be no further development of the site due to previous alleged planning permission investigations.
 - Commencement of works in the form of connecting the barn to a sewage station have occurred.
 - LCC Highways should confirm the exit splay onto the B585 is sufficient considering the proximity to two Grade II listed gate pillars.

6. Consultation

- 6.1. LCC Highways have referred the Local Planning Authority (LPA) to standing advice.
- 6.2. HBBC Pollution have advised that due to the potential for past agricultural use of the site to have impacted soils, if any soft landscaping areas are proposed then land contamination should be considered.
- 6.3. 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.
- 6.4. No response was received from Cadeby Parish Council or 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 has demonstrated the agricultural building is structurally capable of conversion with regard to its steel frame and footings. Section 3 of the Structural Inspection submitted with the application states that the steel frame has sufficient structural capacity to resist the vertical and horizontal loads applied to the external envelope.
- 8.4. Notwithstanding this, the Structural Inspection does not conclude the sufficiency of other elements of the existing building. Section 2 of the report notes that the timber wall cladding of the existing building is hit and miss style. The cladding in its current form is therefore intermittent and does not fully enclose the building. The Structural Inspection also does not appear to certify the suitability of retaining what wall cladding does already exist. To this end, the Structural Inspection states with regard to the walls, *"The cladding will need to be replaced as part of the conversion to form a weathertight envelope."*
- 8.5. Section 3 of the Structural Inspection also notes the need for replacement of the existing profiled roof sheeting. It states, *"The roof will be re-covered in a lightweight covering such as single ply membrane, standing seam metal roof or lightweight metal tiles."* That the existing roof will not be retained is confirmed within the Planning

Statement, which states that to ensure roofing appropriate for a dwelling, the existing roof would be replaced with an aluminium insulated panel roof.

- 8.6. The Structural Inspection further concludes that the building is without a floor sufficient for residential purposes. It notes the current floor is comprised of compacted stone and that while this is suitable to act as the sub-base for, a new concrete slab would need to be installed as part of the works.
- 8.7. At a site visit conducted 17 June 2025 the Planning Officer observed that the floor of the existing building was in areas overgrown with various groundcover vegetation, visible sections that were not overgrown appeared to have an intermittent stone rubble base and were otherwise natural dirt.
- 8.8. Considering the above, it is considered that the information provided and observed on site demonstrates only the sufficiency of the steel portal frame and existing footings for the appropriate conversion of the agricultural building into a residential use. There is insufficient evidence provided that the existing external materials or the existing flooring are adequate for conversion. The scope of work that appears to be established by the Structural Inspection document would go beyond what might reasonably be described as a conversion.
- 8.9. 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.
- 8.10. 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. An application received by a Local Planning Authority prior to 20 May 2025 could elect to be assessed either under the amended GPDO or under the previous iteration as it stood prior to 21 May 2024. The Applicant had originally elected on their Application Form to have this application assessed under the GPDO as it stood prior to 21 May 2024, however the Planning Statement indicated a preference for the application to be assessed under the GPDO as adopted on 21 May 2024. It was confirmed in writing on 18 June 2025 by the Agent that the indication on the Application Form was in error, and that the Applicant was electing to have the proposal assessed under the version of the GPDO adopted 21 May 2024.
- 8.11. The following section therefore assesses the proposal against the criteria and conditions of Class Q, as adopted on 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,

It was concluded in the assessment of 24/00884/P3CQ that insufficient information was available to the Local Planning Authority (LPA) either from the applicant or otherwise, to determine whether the site formed part of an agricultural unit and what the extent of that unit may be. The report for 24/00884/P3CQ also concluded that the history of the land and its uses were unclear, particularly due to a previous application for an equestrian and horse therapy use and earlier approvals for a manège, and stable and tack room.

The Applicant has provided additional clarification in the assessment documents for this application. A blue line plan has been provided demonstrating the extent of the agricultural unit to which the agricultural building belongs. The land indicated includes land to the north-west and south-west of the agricultural building along Bosworth Road and The Park, down to the south to Cadeby Lane. It also includes the southern section of a field where holiday let cabins associated with the Caravan Park have been approved and constructed to the north.

The Planning Statement addresses the concern from the previous application's report regarding 19/00106/COU for a change of use to equestrian and horse therapy by noting that the application was ultimately withdrawn. It is stated that the use of the site as an equestrian facility therefore did not occur, and that the site remained in agricultural use.

Appendix A of the Planning Statement contains copies of photographs date-marked from between 1991 and 1996, showing use of the land for agricultural purposes.

Notwithstanding the withdrawal of 19/00106/COU, it remains that the supporting statement for that application clearly specified that horses were already stabled on the site, with the agricultural building in

question labelled as a barn adjacent a stable building. The stabling of horses in this section of the site is consistent with previous approvals 00/00196/COU for change of use to a manège and 95/00873/FUL for a stable and tack room.

It is evident from aerial photography of the site that the agricultural building forming part of this application is clustered with the manège and stable building and fenced together with land to the north-west of those buildings. Historic Street View imagery clearly shows horses in the paddocks to the south of Bosworth Road, and in the area to the side and rear of the stable building consistently since 2009.

As such, while it is accepted that the land may have formed part of an agricultural unit during the 1990s, the use of the site since that time is not considered to have been proven as agricultural and instead the use of the barn has been related to the equestrian uses in the land. It is considered that on the basis of the evidence available to the LPA appears to suggest more recent non-agricultural use of the barn. Given this, it is considered that the proposed development cannot demonstrate compliance with either Q.1(a) or Q.1(b) and fails these criteria.

(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 proposed dwelling has a floor area of 115.3 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,

Notwithstanding the disputed history and extent of the agricultural unit as submitted to the LPA, there has been no previous developments under Class Q within the bounds identified by the Applicant. The cumulative number of separate dwellings proposed under this application is one. The cumulative floor space of the dwelling is 115.3 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 information provided states that the site is not occupied under an agricultural tenancy. This is consistent with information provided under 24/00884/P3CQ which the LPA did not dispute.

*(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,

Notwithstanding the disputed history and extent of the agricultural unit as submitted to the LPA, there has been no previous developments under Class A(a) or Class B9(a) of Part 6 of this Schedule within the bounds identified by the Applicant within 10 years of the 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 the building extending beyond the external dimensions of the existing building.

(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 building.

(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 Structural Inspection accompanying the application states that the building would require the replacement of all wall cladding and roofing, and the installation of a concrete floor over what is currently stone rubble and dirt. The plans submitted for assessment also suggest the replacement of the large steel doors with timber barn-style doors.

It is considered that the extent of external material removal and replacement demonstrates the inability of the building to be reasonably converted, despite the stability of the steel portal frame. The scope of works required go beyond the reasonably necessary building operations identified within the ambit of Q.1.

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,

The building is not 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

The proposal has not provided sufficient information to determine its consistency with the nationally described space standards.

It is considered based on the plans submitted that the dwelling is a two-bedroom dwelling intended for four persons, based on each bedroom being shown as a double.

The space standards require 79 square metres of internal floor area for a two-storey dwelling comprising two double bedrooms. This should include 2 square metres of built-in storage, of which any storage with a ceiling height between 0.9 to 1.5 metres is counted at 50% and any below 0.9 metres in height is not counted.

The space standards require a double bedroom to provide a floor area of at least 11.5 square metres, with the first double bedroom having a width of at least 2.75 metres and every further double bedroom having a width of at least 2.55 metres. The minimum ceiling height should be 2.3 metres for at least 75% of the floor area and any area of a bedroom with a ceiling height less than 1.5 metres is not counted.

The proposal meets the gross internal floor area required for a dwelling of this size.

Bedroom 1 meets the floor area and width requirements for a main double bedroom. Bedroom 2 meets the width required for a secondary double bedroom but does not meet the floor area required. Bedroom 2 would meet the floor area requirement for a single bedroom, which is 7.5 square metres.

Notwithstanding this, the floor areas measured for each bedroom would need to be reduced if the loft level could not provide sufficient ceiling height. It is unclear from the plans provided what the ceiling heights within the loft level are, as no section diagrams have been provided nor do the elevations show the loft's finished floor level.

The dwelling provides 1.2 square metres of storage space on the ground floor and a further 9 square metres within the loft level. As with the bedroom space, it is unclear how much of the storage space within the loft level can be counted due to the unknown ceiling heights.

It is therefore considered that the proposal has not demonstrated the ability to meet criterion Q.1(o).

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

The building has a suitable existing access to a public highway.

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 Local Highway Authority (LHA) have referred the LPA to standing advice.

The application site has existing gated access from Bosworth Road. The existing gate meets the requirements of the Leicestershire Highways Design Guide (LHDG) and allows approaching vehicles to stop ahead of the gates without encroaching onto the highway.

The internal roadway provides access to the application site and the adjoining stable building, with a turning area to the south.

The LHDG seeks that a two-bedroom dwelling provide 2 off-street car parking spaces. Each parking space should have minimum dimensions of 2.4 metres by 5.5 metres and 0.5 metres should be added where the space is bounded by a wall, fence, hedge, line of trees or similar obstruction on one side, and 1 metre where it is bounded on both sides. For tandem parking spaces, a length of 6 metres should be provided per space.

The proposal provides two car parking spaces in a tandem arrangement to the north-west of the building. The spaces are both bounded on both sides, to differing extents, by the application building and the adjacent stables.

Each parking space as identified on the submitted plans measures 2.4 metres by 4.85 metres, which is insufficient for tandem parking spaces bounded on both sides.

Nonetheless, the total length of space available along the north-western side of the building is 12.5 metres and as such, it is considered that the required parking space length can be achieved.

The necessary parking space width cannot be achieved at any point where the parks are bounded on both sides, as the maximum width between the existing buildings is 3 metres. Notwithstanding this, given the space available parking slightly further back or forward of the stable building would provide sufficient space on either side of the vehicle.

It is therefore considered given the existing access, the parking and turning area, and its distance from the highway, that the proposal would not represent an undue highways impact.

(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,

No investigations into contamination risks have been submitted.

HBBC Pollution have advised that there is potential risk to soils based on previous agricultural use of the land and have noted that if soft landscaping is proposed then contamination should be investigated.

(d) flooding risks on the site,

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 Market Bosworth, to the east of Market Bosworth Country Park and to the south-east of a line of residential ribbon development along The Park.

Notwithstanding this, the site is located directly adjacent Market Bosworth Caravan Park and is accessed from a section of Bosworth Road where the speed limit drops prior to approaching the eastern edge of Market Bosworth through the Park Gate Piers.

As such, it is not considered that the application site is a wholly 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 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*

There is natural light provided to each habitable room through windows or glazed doors, with the additional supplement of rooflights to rooms within the loft space.

It is considered that the application demonstrates the provision of adequate natural light to all habitable rooms within the dwelling.

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.

The Applicant has reduced the size of the curtilage included in the previous application such that it now does not amount to an area larger than the land occupied by the building itself. The land indicated is considered to have reasonably been historically associated with and served the purposes of the 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.

The application site is within the limits of the agricultural unit as identified by the Applicant as being currently in existence. Nonetheless, as addressed earlier in this report, it is not considered that the information provided sufficiently demonstrates the continued existence of this agricultural unit.

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.

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 application site formed part of an established agricultural unit on the relevant dates. Therefore, insufficient information has been provided to demonstrate that the development would comply with criteria Q.1(a) and Q.1(b) 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 proposal benefits from permitted development rights by way of being a conversion of the building rather than a rebuild. Consequently, it is the opinion of the Local Planning Authority that the works required to the building 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).
3. The Applicant has failed to demonstrate that the scheme is 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. Therefore, insufficient information has been provided to demonstrate that the development would comply with criteria Q.1(o) 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 (submitted 08.04.2025)
 - Planning Statement Final (submitted 08.04.2025)
 - Structural Inspection (submitted 08.04.2025)
 - Site Location Drg No: 24-64-PL01A (submitted 08.04.2025)
 - Topographic Site Survey (submitted 08.04.2025)

- Agricultural Unit Plan Drg No: 24-64-PL04-B (submitted 08.04.2025)
- Existing – Barn 1 Drg No: 24-64-01 (submitted 08.04.2025)
- Existing Elevations and Floor Plans Drg No: 24-64-01A (submitted 24.04.2025)
- Proposed Site Plan Drg No: 24-64-PL02A (submitted 08.04.2025)
- Proposed Plans and Elevations Drg No: PL03B (submitted 08.04.2025)