

CLASS Q COMPLIANCE

STATEMENT

Site Address:

Willow Farm
Fenn Lanes
Leicestershire
Fenny Drayton
CV13 6BJ

Prepared for: Mr and Mrs C Hunt

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Introduction

EASTING: 436689

NORTHING: 297704

CURRENT USE: Sui Generis (agricultural)

AUTHORITY: Hinckley and Bosworth

This Compliance Statement supports a Notification for Prior Approval for the proposed change of use of an agricultural building to a dwellinghouse (Class C3) pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class Q as amended.

Class Q (formerly Class MB) was introduced as part of a series of permitted development rights which aimed to simplify the change of use system and promote the provision of new homes in England.



The right assumes that an agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building and may include those that would affect the external appearance of the building and would otherwise require planning permission. This includes installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity gas or other services to the extent reasonably necessary for the buildings to function as dwelling houses; and partial demolition to the extent reasonably necessary to carry out these building operations.

Internal works are not generally development. For a building to function as a dwelling, it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls which are not prohibited by Class Q.



Legislation & Guidance

This section demonstrates compliance with the limitations and conditions of Class Q in conjunction with the Government's Planning Practice Guidance.

Has previous development taken place under Class Q within the established agricultural unit?	No
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	Smaller Dwellinghouses	Larger Dwellinghouses	
Number previously developed	0	0	
Number proposed	0	1	TOTAL
TOTAL	0	1	1

	Smaller Dwellinghouses	Larger Dwellinghouses	
Cumulative floorspace previously developed (m ²)	0	0	
Cumulative floorspace proposed (m ²)	0	301	TOTAL
TOTAL	0	301	301

Was the site used solely for an agricultural use as part of an established agricultural unit for the purposes of a trade or business:	Yes
(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 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?	
Is the site occupied under an agricultural tenancy?	No
If the site is occupied under an agricultural tenancy, has the express consent of both the landlord and the tenant has been obtained?	N/A
Has an agricultural tenancy over the site been terminated for the purpose of carrying out development under Class Q in the last year?	No
If an agricultural tenancy over the site has been terminated for the purpose of carrying out development under Class Q in the last year, have both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use?	N/A
Has development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) 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?	No

Would the development result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point?	No
Would the development under Class Q(b) 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(i)(i)?	No
Is the site on land within: (a) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas); (b) an area of outstanding natural beauty; (c) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside);; (d) the Broads; (e) a National Park; and (f) a World Heritage Site?	No
Is the site, or does the site form part of— (i) a site of special scientific interest; (ii) a safety hazard area; (iii) a military explosives storage area?	No
Is the site, or does the site contain, a scheduled monument?	No
Is the building a listed building?	No
Is the development in an area within Flood Zone 2 or Flood Zone 3?	No
Is the development in an area within Flood Zone 1 which has critical drainage problems, and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order?	No

AGRICULTURAL USE

The building in this instance is in use solely for agricultural purposes as part of an established agricultural unit. It has been in use for this purpose for many years and was prior to the 20th of March 2013.

The applicants operate a small holding dedicated to producing high quality food with welfare and quality of life a top priority. Amongst the animals they keep are a flock of Romney sheep, with 16 breeding ewes and a ram. They lamb each year and this year had 23 lambs. All of the lambs are raised on site to produce high quality, grass fed meat which is sold on.

The applicants also have rare breed British pigs, Oxford Sandy and Blacks, with two registered breeding sows and a registered boar. Each sow produces two to three litters every year with each litter producing 8-12 piglets. These piglets are either sold on to small scale farmers to raise for their own meat or are grown on to be sold as meat boxes.

In addition, the applicants grow Microgreen Salads on the farm. They are harvested weekly and sold to local farm shops and within the local community via farmer markets.

ECOLOGY

A Preliminary Roosting Assessment was undertaken in February 2023 to assess the building's potential for roosting bats. It was concluded: ***"No suitable potential bat roosting features were identified associated with the building, with no evidence of roosting bats identified during the survey. Given the building's construction type, condition, and high levels of ongoing disturbance, it is assessed to be unsuitable to support an active bat roost and as such, the building is assessed to provide negligible potential to support roosting bats."*** No other protected species were considered likely to be present at the site. For full conclusions, see appended ecological report.



Proposal

This application proposes the change of use of an agricultural building to form one dwelling.

This application proposes the re-use of a redundant agricultural building to create a single dwelling. The proposal building is constructed from metal sheeting, with a corrugated roof. The existing cladding will be painted dark grey, with the roof replaced with corrugated steel sheeting, also painted black.

The dwelling will have three bedrooms and a large open plan kitchen, living and dining area. The building will be single storey with a mezzanine bridge between the main structural walls, providing usable second storey space.

The dwelling will be served by additional fenestration in appropriate locations to meet the legislative requirements relating to delivering natural light into habitable rooms as per Regulation 17 of the Permitted Development and Miscellaneous Amendments (England) (Coronavirus) Regulations 2020. All the proposed works are permitted by Q.1(i)(i) and are reasonably necessary to facilitate the conversion of the building to function as a dwelling. New doors will be appropriately located throughout to allow for suitable access.

The design has been sensitively detailed so that the conversion retains and respects the character and physical nature of the barn and the surrounding environment and all features of the building have been retained.

The building will be served by an area of curtilage totalling 141m², no greater than the area occupied by the building, in line with Paragraph X of Schedule 2, Part 3 of the GPDO.

The existing structures to the east and west of the dwelling would be retained but removed from agricultural use.



Prior Approval

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:

STRUCTURAL

The application is supported by a structural survey which is appended to the application.

TRANSPORT & HIGHWAYS

The site benefits from an extant and partially implemented planning permission for a new access onto Fenn Lanes. This was approved in July 2022 under the reference 21/00586/FUL. The only pre-commencement condition (Condition 7) was partially discharged in June 2023 (23/00468/DISCON).

The new point of access and the track lead directly to the application site and provide a safe and appropriate point of access.

The proposal would not result in an unacceptable impact on highway safety.

IMPRACTICALITY & UNDESIREABILITY

Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would ***“not be sensible or realistic”***, and undesirable reflects that it would be ***“harmful or objectionable”***.

When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements.

In this case, the siting of the building does not make it impractical or undesirable for the building to change from agricultural use to residential.