

Delegated Report

Planning Ref: 26/00410/P3CQ
Applicant: Jack and Laura Hemmings and Brown
Ward: Twycross, Sheepy and Witherley



Site: Shaw House Farm, 4 Orton Lane, Orton on the Hill

Proposal: Notification to determine if Prior Approval is required for the change of use of an agricultural building to a two-bedroom dwellinghouse (Class C3)

Case Officer: Ashleigh Gade (Senior Planning Officer)

1. Recommendations

- 1.1. **Refuse prior approval** subject to:
- Reasons detailed 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 two-bedroom dwellinghouse (Class C3) at Shaw House Farm, 4 Orton Lane, Orton on the Hill.
- 2.2. The proposal involves the conversion of one steel portal framed building into one dwellinghouse. The existing building has dimensions of 7.6 metres in width by 18.6 metres in depth and has a resulting existing footprint of 141.36 square metres. The building has an eaves height of 3.4 metres and a rounded roof with a maximum height of 5.35 metres.
- 2.3. The existing building is clad in sheet metal on the side and rear elevations and timber boarding on the front elevation. It has a corrugated sheet metal roof.
- 2.4. The proposed conversion involves the replacement of all existing external wall and roof cladding with unspecified replacement cladding. It involves the creation of an entrance porch area on the front elevation by setting back the replacement cladding material. It also involves the creation of openings for windows on the front, rear and south-eastern side elevation, including two large bifold doors on the south-eastern side.
- 2.5. The proposal involves the retention of the five steelwork portal frames that form the skeleton of the existing building frame.

- 2.6. The proposal includes the provision of two car parking spaces to the south-east of the building. The proposed private outdoor amenity space is located to the west and south-west of the building with a total area of approximately 810 square metres.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located within the designated open countryside beyond the settlement boundary of Orton on the Hill. It forms part of a small field which contains three agricultural barns and is otherwise bounded by established hedgerows.
- 3.2. The application site comprises a steel portal framed agricultural barn with sheet metal cladding to the side and rear elevations and wooden cladding to the front elevation. The site also comprises an existing access point to Orton Lane, unsurfaced internal driveway areas to the north-east of the building, and grassed areas forming part of the field to the north-west and south-west.
- 3.3. The wider site within the blue line boundary forms a small field adjacent to the Orton on the Hill settlement boundary. The field contains three large agricultural barns, of which the application building is one, as well as a small stables building. All buildings on the site demonstrate evidence of long-term disuse. The field itself and the boundary hedgerows are overgrown.
- 3.4. The application site is accessed from Orton Lane which is an adopted and classified 'C' road subject to a speed limit of 60mph at the site's access point.
- 3.5. The application site is directly neighboured to the south and south-east by dwellings within the Orton on the Hill settlement. To the east across Orton Lane are two significantly sized agricultural buildings located within a large field. To the north are fields within the countryside and to the west are fields and, beyond that, areas within the settlement boundary of Orton on the Hill.

4. Relevant Planning History

- **19/00202/CQGDO**
- Prior notification for change of use of an agricultural building to a dwellinghouse (Class C3) and for associated operational development
- Prior Approval Refused
- 16.04.2019

- **19/01365/OUT**
- Outline residential consent for up to 9 dwellings including means of access
- Refused
- 01.04.2020

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents and a site notice was posted within the vicinity of the site.

5.2. Ten responses have been received. All ten of the received responses opposed the development.

5.3. The contents of the objections have been summarised as follows:

- The address given for the application is incorrect.
- The site is described as being immediately adjacent to the settlement boundary but the building is approximately 50 metres from the settlement boundary.
- There should not be residential development outside the settlement boundary.
- The proposal would have consequences for the layout of the wider village.
- A previous application to convert the building to a dwelling was refused due to the works required going beyond conversion and constituting a rebuild.
- The previous application quoted a different floor area for the building than what is quoted here. The previously quoted floor area in the previous application exceeds what is now permissible under Class Q.
- The site has not been used for agricultural purposes for a number of years.
- The building has very recently been altered and refurbished to appear as an enclosed barn using timber planks, however historically it has been an open structure.
- The building is dilapidated, derelict and rusted and not suitable for conversion.
- The proposal conflicts with DM4, DM10, DM11 and DM12 of the SADMP.
- The proposal would have a negative impact upon rural character.
- The proposal would domesticate the rural setting.
- The proposal would have a negative impact on surrounding residential amenity.
- The proposal would set a precedent for development of the other barns on site.
- The site cannot accommodate additional vehicle movements arising from domestic use of the site.
- The site lacks access to footpaths and Orton Lane is not safe for pedestrians.
- Orton Lane cannot accommodate additional residential traffic, and additional residential traffic would conflict with use of Orton Lane by large agricultural vehicles.
- Consultee comments raise concerns with regard to land contamination.

It is noted that many responses referred to the refusal of the 2019 application for Class Q conversion (19/00202/CQGDO). For clarity, the 2019 application pertained to a different building within the wider site and not the building which is the application building for this application. The building refused for Class Q conversion in 2019 is a slightly larger building located to the south-east of the application building for this proposal.

It is also noted that many responses expressed that the application site had not functioned as a farm or for agricultural purposes as part of an agricultural unit for some years. The years quoted varied per response as they were largely based on each respondent's own observations and their own duration of residence in the village. The most common timeframe quoted in these responses was that the site had not been in agricultural use for approximately

10 years, however responses were also received quoting a timeframe of 15 years, 8 years, and 7 years.

6. Consultation

- 6.1. Leicestershire County Council (LCC) Highways, the Local Highway Authority (LHA), have referred the Local Planning Authority (LPA) to standing advice.
- 6.2. Hinckley and Bosworth Borough Council's (HBBC) Environmental Services – Pollution Officer has recommended conditions requiring investigation of any potential land contamination prior to commencement, and the ceasing of development and submission of an addendum to the scheme of investigation where contamination not previously identified is found during development.
- 6.3. HBBC's Drainage Officer has provided standard drainage advice for land within Flood Zone 1.
- 6.4. Twycross Parish Council object to the proposal on the basis of DM4 and DM11 of the SADMP. Further, the Parish Council have expressed that they do not consider the building to form part of an established agricultural unit, and note that there is a lack of proof of continuity of agricultural use of the site including the status of the land at the relevant date.

Twycross Parish Council have also noted that the incorrect floor area has been given for the building, and that the proposal would be a substantial rebuild. It is noted by the Local Planning Authority (LPA) that these comments are based on the previous decision made in 2019 (19/00202/CQGDO) which, as per the clarification earlier in this report, pertained to a different building on the site.

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 Part 3 of Schedule 2 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 (dwellinghouse) 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. Paragraph Q.3(1) of Class Q of Part 3 of the GPDO defines the meaning of "curtilage" as it pertains to satisfying Class Q(a) as:
- (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.*
- 8.3. The Proposed Site Plan for the proposal shows a red line boundary around the existing building that includes the existing access from Orton Lane, as well as existing internal driveway areas to the north-east of the building, land between the application building and the neighbouring building to the south-east, as well as large sections of the existing field to the north-west and south-west of the building.
- 8.4. It is evident from both Google Earth aerial imagery and Street View imagery that areas of the field included within the proposed curtilage of the building have historically been separated from the application building by internal fencing. Further, areas to the south-east of the building indicated within the proposed curtilage would more reasonably be described as forming part of the curtilage of the existing building to the south-east, the subject of the Class Q application refused in 2019, rather than the application building.
- 8.5. Additionally, the total area forming part of the proposed curtilage as part of this application totals in excess of 1,200 square metres. This well exceeds the land area occupied by the building itself, which totals only 141.36 square metres.
- 8.6. It is therefore considered that the proposed change of use exceeds the acceptable curtilage for the building as defined by Q.3(1) of Class Q of Part 3 of the GPDO and therefore that the proposal cannot be considered to constitute Class Q development as per Class Q(a).

- 8.7. 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(c). 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."
- 8.8. The Structural Engineer's Report provided with the application states that the structural fabric of the building has been assessed. It notes for clarity that the considerations of the report exclude assessment of timbers for matters including dry rot, wet rot, rising damp or infestation, and that it also does not deal with asbestos.
- 8.9. The Structural Engineer's Report characterises the building as being supported by five structural steelwork portal frames. The columns of the frames are secured by concrete pad foundations or supported on the rear elevation by a concrete retaining wall.
- 8.10. The photographs provided in the Structural Engineer's Report demonstrate that these concrete supports are the only ground coverage within the building. It can be observed from the photographs that the ground inside the recently enclosed building is otherwise only soil. It is also possible to observed from historic Street View imagery that the building, historically open-sided along the front elevation, was an unsurfaced hay storage building.
- 8.11. The Structural Engineer's Report concludes that the five steelwork portal frames are stable and could withstand the proposed conversion without any further bracing or strengthening. To facilitate the conversion, the Report recommends the cleaning of all rusted areas and sandblasting of all corroded areas of steelwork, followed by priming and repainting of the steelwork.
- 8.12. The Applicant's Planning Statement confirms that all existing external cladding on the walls and roof would be removed from the building and replaced.
- 8.13. It can therefore be concluded that the proposed development would involve removing all elements of the existing building except for the five portal frames that form the structural skeleton of the building. It has been confirmed in the Planning Statement that all wall and roof materials would be replaced in their entirety, and it can be reasonably determined from the evidence provided and observed on site and in historic imagery that flooring would need to be established across the internal areas of the building.
- 8.14. Beyond the replacement of all external cladding and the installation of flooring, the proposal also involves the recessing of the entrance on the front, north-eastern, elevation contrary to the existing form.
- 8.15. Notwithstanding that the core portal frame of the structure is physically sound and could withstand the loads of the proposal, it is considered that the information provided demonstrates that the entirety of the remaining building fabric would be removed and

replaced. This is also excluding elements which the existing building currently lacks, which would have to be newly provided, including the entirety of all internal flooring.

- 8.16. It is unclear from the information provided whether the removal of the external materials of the building is by necessity or by design choice. Nonetheless, it can readily be observed in viewing the building that the quality of existing wall and roof materials are poor and would not lend themselves well to conversion.
- 8.17. Considering the above, the LPA consider that the scope of works proposed are so significant as to be reasonably considered to constitute a rebuild rather than a conversion.
- 8.18. The Applicant has therefore failed to demonstrate that the proposal benefits from permitted development rights by way of the proposal being limited to the curtilage of the existing building, and by way of being a conversion of the existing building rather than a rebuild. Notwithstanding this, assessment of the proposal against Class Q is continued below for comprehensiveness.
- 8.19. The following section therefore assesses the proposal against the criteria and conditions of Class Q. In accordance with Paragraph W(3) of Part 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 is noted that in response to public consultation for this proposal, the LPA received a number of letters expressing concern that the application site had not formed part of an agricultural unit for an extended period of time.

The application site comprises the agricultural building proposed for conversion, its associated access areas, and land to the side and rear. It forms part of a small field which contains two other agricultural buildings and a stable block, as demonstrated by the blue line boundary on the submitted plans.

The earliest aerial imagery available from the site from Google Earth is dated 1999. These images are relatively inconclusive as to the agricultural use of the site, but it is noted that the three buildings are in situ in the 1999 aerial and otherwise open to the field, which remains small in size and bounded by hedgerow.

It is evident from Street View imagery in 2009 and Google Earth aerials in 2011 that fencing has appeared within the field, separating the areas surrounding the extant buildings from the remainder of the field. The fencing installed is wooden post-and-rail equestrian style fencing. It is observable from these images to see that hay is being stored in the application building at this time, as well as adjacent the driveway area. Street View images from 2009 and 2010 appear to support the regular use of the stable block, with door openings changing from image to image and the stables remaining accessible and in good condition. In the May 2010 image, what appears to be a blue feed bucket can be seen within the fenced, grassed section of the field.

It is considered that aerial imagery of the site thereafter remains consistent with the above observations until 2018, where sections of fence appear to be removed or to become less visible. The site appears overgrown with the access unused.

The 2020 Google Earth aerial of the site shows the appearance of random debris on the site, and from 2020 onward through the 2021 and 2022 aerials the site becomes increasingly overgrown. A Street View image from 2022 demonstrates disuse of the site with hedgerows and field overgrown and the application building empty. The stable block at this time shows obvious signs of disuse and disrepair from long-term abandonment.

The site remains overgrown with debris present and buildings in disuse through Google Earth and Street View imagery from 2023. In May 2025 the site aerial shows removal of some debris, with some still remaining on site. There is some clearing of overgrowth around the access point potentially visible in 2023, but this is shown to have grown over again by the 2025 aerial.

The Planning Officer visited the site on 17 June 2026 and observed that the internal post-and-rail fencing has been fully removed from the site. There remained some debris, grown over with vegetation, to the north-east of the building. As noted previously in this report, timber cladding had been added to the front elevation of the application building. All buildings on the site appeared in poor external condition and showed the same evidence of sustained disuse as observed in the Street View images.

The Applicant has in their Planning Statement addressed the matter of the agricultural unit only by noting in a dot-point list that the site was part of an established agricultural unit on 24 July 2023. No supporting evidence has been provided to demonstrate this, bar the inclusion of the Google Earth aerial from 1999 which has been addressed in this section above.

It is therefore considered that the site was not in use as part of an agricultural unit on the operative date of 24th July 2023. The site shows clear and obvious evidence of long-term disuse and abandonment by the operative date, and shows reasonable signs of previous use for equestrian purposes preceding this abandonment, meaning that on the balance of probabilities it is considered reasonable to suspect that the site has been used for a non-agricultural purpose since ceasing to form part of any established agricultural unit.

- (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 space of the proposed dwellinghouse is 141.36 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,*

There has been no previous development under Class Q within the site. This application proposes the conversion of a building under Class Q to one dwellinghouse with a floor space of 141.36 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 Applicant has declared that the site is not occupied under an agricultural tenancy. The LPA have no information to the contrary.

- (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,

The Applicant has declared that there has not been an agricultural tenancy over the site terminated less than 1 year before the date this development begins. The LPA have no information to the contrary.

- (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,*

There has been no development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) carried out on the site during the previous 10 years.

- (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 proposal 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 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 proposal does not result in any extension to the existing 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(i)(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.

As highlighted earlier in this report, the existing agricultural building would retain only five steel portal frames in undertaking the proposed conversion, with all other building fabric removed and replaced. It is therefore considered that the scope of works either goes beyond that reasonably necessary for conversion, or otherwise demonstrates that the building is incapable of conversion without necessitating functional rebuilding.

The extent of works proposed are therefore not considered to be limited to those identified within Q.1(i)(i) and Q.1(i)(ii) and the proposal fails to meet these criteria.

- (k) *The site is 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*

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

- (n) *The building is a listed building*

The application site is not on Article 2(3) land, nor does it 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(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 impacts of the development,*

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

The application site has existing access from Orton Lane. The existing access point has a minimum width of 3.5 metres, which satisfies the Leicestershire Highway Design Guide (LHDG) (2024) requirements for a private driveway serving one dwelling.

The LHDG also requires that access points be surfaced with bound material for at least the first 5 metres from behind the highway boundary. The submitted plans suggest that the existing internal driveway and turning areas on the site are hard surfaced. It has been observed on site that this is not the case, and that these areas are surfaced with gravel and soil. Notwithstanding this, it would be reasonable and possible to secure the surfacing of the access point through condition.

For a two bedroom dwelling, the LHDG seeks the provision of 2 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.

The proposed car parking area is sited to the south-east of the application building and has sufficient space for 2 cars.

It is therefore considered that the proposal would not represent an undue transport and highways impact.

(b) noise impacts of the development,

Notwithstanding that the application site is located within the designated open countryside and neighbours agricultural fields, the wider site is otherwise located in proximity to the settlement boundary. The proposed dwelling would be located within 50 metres of an existing residential cluster surrounding the intersection of Orton Lane and Twycross Lane. It would therefore be located in proximity to compatible uses.

It is not considered that the development of one dwellinghouse on this site would have a significant adverse impact on neighbouring or prospective occupier residential amenity.

(c) contamination risks on the site,

No investigations into contamination risks have been submitted.

HBBC's Pollution Officer had no objections to the proposed development but requested planning conditions to secure the investigation of land contamination and require the cessation of development and further investigations where additional contamination is discovered during construction.

(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 Schedule 1 to the Use Classes Order,

The application site is located outside the settlement boundary of Orton on the Hill; however it is not considered that the site is distant from the settlement. The application building is

located 50 metres from the edge of the settlement boundary and the wider site itself is directly adjacent to the settlement.

As such, given the proximity to the settlement edge of Orton on the Hill and the reasonable proximity of surrounding residential development, it is not considered that the location or siting of the building make it impractical or undesirable 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 from the south-west and north-west reflects the straightforward and simple rustic design of the original building and would sit comfortably within the countryside setting.

The design and external appearance of the north-eastern elevation, the front elevation of the building, introduces a recessed entrance porch element which is incongruous to the simple, rectangular form of the original building.

The design and external appearance of the south-eastern elevation is comprised almost entirely of glazed features, comprising two large sets of bifold doors and a series of six loft-level upper windows. This materiality does not reflect the original form of the building which was enclosed on the side elevations, and introduces a number of openings which significantly domesticates the character of this particular elevation of the building.

Both the recessing of the north-eastern elevation and the balance of glazed openings on the south-eastern elevation are considered to reflect a more modern residential appearance that does not reflect the simple, rural vernacular of the original building.

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

There are windows of sufficient size for the ingress of adequate natural light to every habitable room.

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 sub-paragraphs (1)(a) to (e) and (g), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.*
- (3) *Where the development proposed includes development under Class Q(b), the developer must also apply, as part of the application under sub-paragraph (1) or (2) (as the case may be), for a determination as to whether the prior approval of the authority will be required as to the impact of the proposed extension on the amenity of any adjoining premises.*

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

- (4) *Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b) or (c), 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 does not 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). It is therefore recommended that the application is refused.

11. Recommendation

- 11.1 **Refuse prior approval** subject to:

- Reasons 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 as it fails to meet the definition of Class Q development as per Class Q(a) and Class Q(c) by way of the extent of the proposed curtilage and the scope of proposed building operations. Therefore, the proposal 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 provided insufficient information to demonstrate that the site formed part of an operative agricultural unit on the relevant date or that the site has not been used for a non-agricultural use since any date it may have ceased to form part of an agricultural unit. Therefore, the proposal has not demonstrated compliance with the limitations of Paragraph Q.1(a) or (b) 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 proposed building operations to the existing structure are considered to exceed those reasonably necessary to convert the building to a dwellinghouse. Therefore, the proposal does not comply with the limitations of Paragraph Q.1(j) 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 proposed design of the north-eastern and south-eastern elevations do not respect the rural vernacular and simplistic design of the original building and would result in a design and external appearance of the dwellinghouse that would harm the character of the surrounding countryside. Therefore, the proposal does not comply with the limitations of Paragraph Q.2(1)(f) of Class Q

of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

a. **Notes to Applicant**

1. The application has been determined in accordance with the following submitted details:
 - Application Form
 - Planning Statement
 - Structural Engineers Report
 - Location Plan Drg 03 Rev A1
 - Existing Floor Plans and Elevations Drg 04 Rev A1
 - Proposed Site Plan Drg 02 Rev A2
 - Existing and Proposed Elevations and Floor Plans, Drg 01 Rev A1All received 05.05.2026