
**PRIOR NOTIFICATION OF
A PROPOSED CHANGE OF
USE OF TWO
AGRICULTURAL
BUILDINGS TO CREATE
FIVE DWELLINGHOUSES
ALONG WITH PROPOSED
BUILDING OPERATIONS**

at

**FROG HALL FARM,
CROW LANE,
SHEEPY MAGNA,
ATHERSTONE,
CV9 3QX**

On behalf of

MR & MRS H FISHER

References:

DK Planning & Development Ltd
Ref: DK/21035

Final Version
December 2024



1.0 INTRODUCTION

- 1.1 DK Planning & Development Limited is instructed by Mr & Mrs Fisher to advise on and pursue a Prior Notification application for a change of use of two agricultural buildings on land at Frog Hall Farm to create five dwellinghouses along with proposed building operations to facilitate the change.
- 1.2 The Town & Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 came into force on 21st May 2024. It substituted an entirely new Class Q with substantial changes for the one previously found in the 2015 Order (as amended). However, under the heading 'Transitional Provision', article 10 of the 2024 Amendment Order notes that a developer may, notwithstanding the amendments made by article 3 (the new Class Q), make an application for a determination as to prior approval in relation to previously permitted development under Class Q until the end of 20th May 2025. Article 10 clarifies that the amendments made by articles 3 and 5 of the 2024 Amendment Order do not apply in relation to previously permitted development under Class Q in respect of which an application for a determination as to prior approval is made before 21st May 2025.
- 1.3 In other words and as further explained in the Explanatory Memorandum to the 2024 Amendment Order, until the end of 20th May 2025, a developer may make an application for a determination as to prior approval applying the tests, limitations and conditions found in Class Q of the 2015 Order (as amended) or applying the tests, limitations and conditions found in Class Q of the 2024 Amendment Order. However, the additional flexibilities introduced as part of the 2024 Amendment Order cannot be applied to a determination applying the tests, limitations and conditions found in Class Q of the 2015 Order (as amended).
- 1.4 Since we are within the transitional period, in this case we wish the application to be determined in accordance with the tests, limitations and conditions found in Class Q of the 2015 Order (as amended).
- 1.5 In our view, the proposals constitute permitted development as a consequence of The Town & Country Planning (General Permitted Development) (England) Order 2015 which came into force on 15th April 2015 as subsequently amended by S.I.

2015/596, S.I. 2016/332, S.I. 2016/765, S.I. 2016/1040, S.I. 2016/1154, S.I. 2017/391, S.I. 2017/571, S.I. 2017/619, S.I. 2017/1011, S.I. 2017/1012, S.I. 2018/119, S.I. 2018/343, S.I. 2018/695, S.I. 2019/907, S.I. 2020/330, S.I. 2020/412, S.I. 2020/632, S.I. 2020/755, S.I. 2020/756, S.I. 2020/1243, S.I. 2020/1459, S.I. 2021/428, S.I. 2021/467, S.I. 2021/814, S.I. 2021/1464, S.I. 2022/278, S.I. 2022/634, S.I. 2023/98, S.I. 2023/368, S.I. 2023/747, S.I. 2023/1110, S.I. 2023/1279, S.I. 2024/141, S.I. 2024/579 and S.I. 2024/1139.

- 1.6 Class Q of Part 3 of Schedule 2 of the 2015 Order (as amended) notes that permitted development includes:

Development consisting of –

- (a) a change of use of a building and any land 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.*

- 1.7 This report deals initially with the permitted change of use as well as the building operations reasonably necessary to convert the buildings, and finally with the application for a determination as to whether the prior approval of the local authority is required (the Notification procedure). It provides a logical and in-depth analysis of the salient issues and draws upon other documentation that accompanies the application for support. It is structured from here to address the following matters:

- The agricultural buildings
- Planning history
- The proposals
- Analysis of the relevant criteria
- The Notification procedure
- Conclusion

2.0 THE AGRICULTURAL BUILDINGS

- 2.1 Frog Hall Farm is a largely arable farm comprising agricultural land with a central collection of agricultural buildings and a farmhouse, located to the north of Atherstone and to the west of Sheepy Magna and west of Sheepy Road (the B4116 Atherstone to Sheepy Magna road).
- 2.2 The application site is situated within the central collection of agricultural buildings, adjacent to the existing farmhouse. It is located some 450m west of the farm's only vehicular access off Crow Lane and is approached via an access driveway.



[Location of the agricultural buildings and the existing farmhouse. The access driveway to Crow Lane and the B4116 is situated to the south east. Photograph courtesy of Google Earth]

- 2.3 The application site comprises two separate agricultural buildings together with part of the existing hardstanding adjacent to each building.

Agricultural Building 1

- 2.4 Agricultural building 1 is a steel portal frame building with concrete block and timber clad walls, a corrugated fibre cement pitched roof and a concrete floor. It has its principal doors on the west elevation with a single doorway on the east elevation.

Agricultural building 1 has a ridge height of some 6m and eaves around 4.4m high. It is the entirety of the building shown on the photograph below.



[The west elevation of agricultural building 1 together with adjacent hardstanding. Photograph taken on 21st October 2021]

- 2.5 The agricultural building is solely used for agricultural storage of hay, machinery and farm paraphernalia.
- 2.6 The gross external floor space of the whole building measures some 629.49 sq m.

Agricultural Building 2

- 2.7 The agricultural building is steel framed with concrete block, brick, timber and metal clad walls, a corrugated fibre cement pitched roof and a concrete floor. It has its principal doors on the east elevation and there are no windows. A gap between this building and one to the north has been infilled such that they collectively appear to form one larger building. Agricultural building 2 has a ridge height of some 7m and eaves around 3m high. It is the building with the very light-coloured cladding on its east elevation as shown on the photograph on the following page.



[The east elevation of agricultural building 2 together with adjacent hardstanding. Photograph taken on 21st October 2021]

- 2.8 The agricultural building is solely used for agricultural storage of machinery and farm paraphernalia.
- 2.9 The gross external floor space of the whole building measures some 546 sq m. The part of the building that will change its use as a consequence of this Prior Notification application has a gross external floorspace of 197.72 sq m.
- 2.10 The nearest residential properties to the two agricultural buildings are the farmhouse some 25m distant and a bungalow in separate ownership and totally unrelated to the farm some 70-100m to the east.
- 2.11 The agricultural buildings are within the administrative area of Hinckley and Bosworth Borough Council. The Policies Map accompanying the Site Allocations & Development Management Policies DPD 2016 (adopted July 2016) shows that the agricultural buildings are not within an Area of Outstanding Natural Beauty (AONB) nor are they within a conservation area or National Park, i.e., it is not on Article 2(3) land. They are not listed buildings.

3.0 PLANNING HISTORY

- 3.1 There are two recent applications relating to the agricultural buildings, adjacent agricultural buildings and the farmhouse.
- 3.2 Prior Approval was granted on 4th April 2022 for the change of use of two of the larger agricultural buildings to create five individual dwellinghouses along with proposed building operations in accordance with Class Q of Part 3 to Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (application ref: 22/00137/P3CQ). Works are yet to start on the creation of these dwellings.
- 3.3 This current application is identical to the proposals considered and sanctioned in April 2022 under application ref: 22/00137/P3CQ. However, in accordance with Condition Q.2(3) that development must be completed by 4th April 2025, i.e., within a period of three years from the grant of prior approval. Unfortunately, for a variety of reasons work has not yet been commenced and is unlikely to be started in the short term. Our architects advise that the approved Class Q works are likely to take circa 18 months to complete meaning that even if the works are commenced now, it is unlikely that they would be completed by 4th April 2025. This application is, therefore, submitted simply and only to give an extended period of time within which to begin and to complete the proposed development.
- 3.4 In May 2024 a planning application was submitted for the demolition of all of the existing farm buildings and the farmhouse followed by the construction of a single new dwellinghouse (application ref: 24/00518/FUL). The determination of this application is still ongoing.
- 3.5 In terms of other applications nearby, there are two that merit consideration.
- 3.6 On 26th July 2000, planning permission was granted for the demolition of an adjacent dwelling and its replacement with a new bungalow (application ref: 00/00365/FUL). This permission is for the bungalow some 65m to the east of the farmhouse and it has been implemented.
- 3.7 Prior Notification was approved on 4th August 2008 for the erection of an agricultural building under Part 6 of the Town & Country Planning (General Permitted

Development) Order 1995 (application ref: 08/00706/GDO). This permission was for a building in association with the bungalow and has also been implemented.

4.0 THE PROPOSALS

4.1 The proposal is to convert all of agricultural building 1 and part of agricultural building 2 to form 5 separate dwellinghouses, as follows:

Dwelling 1 - Comprising a combined entrance/kitchen/living/dining area, internal hallway, cloaks/WC, study, two bedrooms with en-suite bathrooms, three further bedrooms and a family bathroom all on the ground floor. A sixth bedroom with an en-suite bathroom is positioned on a new first floor. The two floors have a combined GEA of 463.05 sq m.

Dwelling 2 - Comprising a combined entrance/kitchen/living/dining area, two bedrooms and a separate bathroom all on a single level with a GEA of 99.04 sq m.

Dwelling 3 - Comprising a combined entrance/kitchen/living/dining area, two bedrooms and a separate bathroom all on a single level with a GEA of 99.95 sq m.

Dwelling 4 - Comprising a combined entrance/kitchen/living/dining area, two bedrooms and a separate bathroom all on a single level with a GEA of 99.64 sq m.

Dwelling 5 - Comprising a combined entrance/kitchen/living/dining area, two bedrooms and a separate bathroom all on a single level with a GEA of 99.24 sq m.

4.2 The infill section in the centre of agricultural building 2, immediately to the north of the new northern elevation of dwellings 4 and 5, will be removed. The northern most part of agricultural building 2 will remain, but it will not be used for agricultural purposes.

4.3 New doors and windows will be inserted to create the new dwellings. The arrangement and alterations are shown on the following drawings submitted as part of this application:

- Drawing No. 2568-1101 Rev A – Proposed Site Plan
- Drawing No. 2568-1102 Rev A – Agricultural Building 1 Proposed Ground and First Floor Plans
- Drawing No. 2568-1103 Rev A – Agricultural Building 1 Proposed Roof Plan
- Drawing No. 2568-1104 Rev A – Agricultural Building 1 Proposed Elevations and Section
- Drawing No. 2568-1105 Rev A – Agricultural Building 2 Proposed Ground Floor and Roof Plans
- Drawing No. 2568-1106 Rev A – Agricultural Building 2 Proposed Elevations and Sections

4.4 The gross external floor space of the existing buildings is some 827.21 sq m. The combined gross external floor space of the proposed dwellings across both ground and first floors will be 860.92 sq m.

4.5 The intended curtilage of the proposed dwellings (excluding the dwellings themselves) is some 819.38 sq m which is no more than the footprint of the existing buildings that will change their use to residential (see paragraph X of Part 3). Its location is shown within the red line around the buildings on the submitted Proposed Site Plan (Drawing No. 2568-1100 Rev A).

4.6 There are a number of other agricultural buildings within the central collection of agricultural buildings. They do not form part of this Prior Notification application, but their agricultural use will cease at a time prior to the first occupation of any of the proposed dwellings. They may be used in association with the proposed dwellings in the future, e.g., as garaging, but any such use will be subject to the grant of planning permission.

4.7 The proposals included in this application are identical to those approved under application ref: 22/00137/P3CQ in April 2022.

5.0 ANALYSIS OF THE RELEVANT CRITERIA

5.1 This part of the Statement considers whether the proposed change of use and building operations comply with the various tests contained in paragraph Q.1 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).

5.2 We will now run through the various tests in order commenting on whether the proposed change of use and building operations (as shown on the submitted drawings) complies or does not. The tests are all pre-fixed by the words "Q.1 Development is not permitted by Class Q if—" so our responses are framed with this in mind.

(a) the site was not used solely for an agricultural use as part of an established agricultural unit –

- (i) on 20th March 2013, or**
- (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last 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 the development under Class Q begins;**

The agricultural buildings were constructed pre 1999 and have been used for agricultural purposes since their construction (see the aerial photograph on the following page dated January 1999 courtesy of Infoterra Ltd, Bluesky and Google Earth).



[Aerial photograph dated January 1999 courtesy of Infoterra Ltd, Bluesky and Google Earth]

The site was in use solely for agricultural purposes on 20th March 2013 and remains in agricultural use today, as part of an established agricultural unit.

(b) in the case of –

(i) a larger dwellinghouse within an established agricultural unit –

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

For the purposes of interpreting Class Q, the term "larger dwellinghouse" is defined at Paragraph Q.3 as *"a dwellinghouse developed under Class Q which has a floor space of more than 100 square metres and no more than 465 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order."*

The floor space of dwelling 1 is some 463.05 sq m (GEA). This is now defined as a larger dwellinghouse of which there will only be one. Since this is the only building,

or part thereof, changing use to a larger dwellinghouse, it is below the 'no more than 465 sq m' threshold.

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

None of the proposed dwellinghouses have a floor space exceeding 465 sq m.

(c) in the case of –

(i) a smaller dwellinghouse within an established agricultural unit –

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

For the purposes of interpreting Class Q, the term "smaller dwellinghouse" is defined at Paragraph Q.3 as *"a dwellinghouse developed under Class Q which has a floor space of no more than 100 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order."*

The floor space of dwellings 2, 3, 4 and 5 is some 99.04 sq m, 99.95 sq m, 99.64 sq m and 99.24 sq m (GEA) respectively. These are now defined as a smaller dwellinghouse of which there will only be four.

For the purpose of interpreting Class Q, the definition of 'building' in Article 2(1) of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) *"includes any structure or erection and, except in Class F of Part 2, Classes P and PA of Part 3, Class B of Part 11, Classes A to I of Part 14, Classes A, B and C of Part 16 and Class T of Part 19, of Schedule 2, includes any part of a building."* In other words, Class Q can be applied to a whole building or just to part of it. In this case, we are applying Class Q to all of agricultural building 1 and to part of agricultural building 2.

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following -

- (i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;**
- (ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;**

The floor space of dwelling 1 will be some 463.05 sq m (GEA). This is defined as a larger dwellinghouse but since it is the only one, its total floor space will be in line with the 465 sq m threshold.

There will only be five dwellinghouses created under Class Q. This number does not exceed the threshold of 5 separate dwellinghouses.

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The site is not occupied under an agricultural tenancy.

(f) less than 1 year before the date development begins –

- (i) an agricultural tenancy over the site has been terminated, and**
- (ii) the termination was for the purpose of carrying out development under Class Q,**

unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use.

There has been no such termination of a tenancy in this case.

(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 -

- (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 agricultural permitted development has been undertaken on the agricultural unit since 20th March 2013.

- (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;**

Physical alterations are proposed to the agricultural buildings, but the development stays within the confines of the existing walls and roof.

- (i) The development under Class Q(b) would consist of building operations other than –**

- (i) the installation or replacement of –**

- (aa) windows, doors, roofs or exterior walls, or**

- (bb) water, drainage, electricity, gas or other services,**

- to the extent reasonably necessary for the building to function as a dwellinghouse; and**

- (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);**

Development under Class Q(b) is proposed to the buildings.

Paragraph 105 of the Planning Practice Guidance was revised on 22nd February 2018. Importantly, the Guidance now refers to the difference between conversions and rebuilding as well as reinforcing the fact that internal works are not generally

development. There is no longer any mention of providing 'new structural elements.'

The submitted Structural Report prepared by Woodland Consulting, Structural Engineers, confirms that the two buildings (no's 1 and 2 in the Structural Report) are capable of conversion. The Report highlights the fact that the existing steel frames will, in all likelihood, need strengthening and localised repair. Whilst internal works are, therefore, proposed, paragraph 105 of the Planning Practice Guidance makes it clear that these are not prohibited by Class Q.

New window and door openings in the existing buildings are proposed. In our view, particularly given the more recent requirement to provide adequate natural light, these are all reasonably necessary for the buildings to function as five dwellinghouses (see submitted drawings 2568-1102-06 Rev A – Proposed Floor Plans and Elevations).

Finally, the buildings to be converted to form the five dwellings are almost fully enclosed on all four sides such that the proposed works constitute a conversion rather than a rebuild in line with the decision of the High Court in *Hibbitt v Secretary of State for Communities and Local Government* [2016] EWHC 2853.

(j) the site is on article 2(3) land;

The site is not on article 2(3) land.

(k) the site is, or forms part of -

- (i) a site of special scientific interest;**
- (ii) a safety hazard area;**
- (iii) a military explosives storage area;**

The site does not form part of a SSSI, a safety hazard area nor a military explosives storage area.

(l) the site is, or contains, a scheduled monument; or

The site is not and does not contain a scheduled monument.

(m) the building is a listed building.

The buildings are not listed buildings.

- 5.3 Given the above, the use of the buildings for Class C3 (dwellinghouse) purposes is permitted development by virtue of Class Q of Part 3 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposed building operations are also permitted development.

6.0 THE NOTIFICATION PROCEDURE

- 6.1 The conditions applying to Class Q development are set out on page 42 of the Town & Country Planning (General Permitted Development) (England) Order 2015. In particular: -

***Q.2-(1)** Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—*

- (a) transport and highways impacts of the development,*
 - (b) noise impacts of the development,*
 - (c) contamination risks on the site,*
 - (d) flooding risks on the 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,*
 - (f) the design or external appearance of the building, and*
 - (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses,*
- and the provisions of paragraph W (prior approval) of this Part apply in relation to any such 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 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) 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.

6.2 Where a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required (as in this case), paragraph W notes that the application must be accompanied by:

- (a) a written description of the proposed development, which, in relation to development proposed under Class C, M, N or Q of this Part, must in the same application include any building or other operations;
- (b) a plan indicating the site and showing the proposed development;
- (ba) a statement specifying the net increase in dwellinghouses proposed by the development;
- (bb) in relation to development proposed under Class Q of this part, a statement specifying –
 - (i) the number of smaller dwellinghouses proposed;
 - (ii) the number of larger dwellinghouses proposed;
 - (iii) whether previous development has taken place under Class Q within the established agricultural unit and, if so, the number of smaller and larger dwellinghouses developed under Class Q;
- (bc) in relation to development proposed under Class M, N, O, PA or Q of this part, a floor plan indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses;
- (c) the developer's contact address;
- (d) the developer's email address if the developer is content to receive communications electronically; and

(e) where sub-paragraph 6 requires the Environment Agency to be consulted, a site specific flood risk assessment, together with any fee required to be paid.

6.3 The buildings are to be converted from agricultural buildings to a use as five individual residential units within Class C3 (dwellinghouses). The proposed use will comprise one larger dwellinghouse and four smaller dwellinghouses, together with alterations to the external appearance of the buildings to facilitate the proposed use. The proposed gross external floor space of the dwellings will be 865 sq m.

6.4 No previous development under Class Q has taken place across the agricultural unit.

6.5 The proposed internal layouts are shown on submitted drawings 2568-1102 Rev A and 2568-1105 Rev A prepared by Yiangou Architects. A site location plan also accompanies the application. External alterations to the buildings are shown on submitted drawings 2568-1103 Rev A, 2568-1104 Rev A, 2568-1105 Rev A and 2568-1106 Rev A.

6.6 The developer's contact address/details are provided on the application form.

6.7 Subsection (9) of paragraph W notes that the local planning authority may require the developer to submit such information regarding the assessment of impacts and risks and statements setting out how such impacts or risks are to be mitigated. Details of proposed operational development may also be requested.

6.8 In response to the relevant matters, we provide the following:

Transport and highways impacts

6.9 The proposed residential development is likely to result in some 20-25 two-way vehicular trips per day, i.e. a level attributable to one large and four smaller dwellinghouses. In all likelihood, some of the dwellings will be used for holiday accommodation and so vehicular trips are likely to be less. Agricultural traffic to all of the buildings will cease.

6.10 The buildings are located off a driveway which itself has good forward visibility at its access onto Crow Lane. This access is also already wide enough to allow a vehicle to turn off the highway and onto the driveway while another vehicle is waiting to leave. Hardstanding will be retained/provided adjacent to the buildings to provide for car parking.

6.11 We conclude that there is no reason in highway capacity or safety terms why the proposed change of use should not occur.

Noise impacts

6.12 The buildings are adjacent to residential properties (the farmhouse and the bungalow), other agricultural buildings and agricultural land.

6.13 The agricultural use of all of the other agricultural buildings will cease at a time prior to the first occupation of any of the proposed dwellings. They may be used in association with the proposed dwellings in the future, e.g., as garaging, but any such use will be subject to the grant of planning permission.

6.14 Given the type of uses involved and their existing relationship to one another, we consider there will be no undue noise impact on the proposed dwellinghouses as a consequence of nearby dwellings/on-going agricultural activity etc. and no undue noise impact on the existing uses as a consequence of the proposed dwellinghouses.

Contamination risks

6.15 Our investigations lead us to conclude the site is not polluted by heavy metals, oils and tars, chemical substances and preparations, gases, asbestos or radioactive substances to any degree and certainly not to a level sufficient to cause significant harm to people or protected species.

6.16 In our view, the site would not be designated as 'contaminated land' within the meaning of Part 2A of the Environmental Protection Act 1990.

Flooding risks

- 6.17 The proposed change of use involves an increase in the vulnerability of the land use to flooding from Less Vulnerable to More Vulnerable (See Annex 3; Flood risk vulnerability classification of the NPPF). Table 2: Flood risk vulnerability and flood zone 'incompatibility' within the Planning Practice Guidance notes that More Vulnerable uses are appropriate for inclusion in Flood Zones 1 and 2.
- 6.18 The Environment Agency Flood Maps indicate the agricultural buildings and proposed curtilage are entirely within Flood Zone 1. As a result, we confirm that the proposed change of use is appropriate on the grounds of flood risk. Sub-paragraph 6 does not require the submission of a site-specific flood risk assessment in this case.

Location and siting

- 6.19 The location and siting of the buildings next to existing dwellings and fronting agricultural land, in a secluded and private position, is ideal for dwellinghouses. There is sufficient space around the buildings for the provision of a useable curtilage.
- 6.20 The location and siting of the buildings for the creation of five dwellinghouses is both practical and desirable.

Design or External Appearance

- 6.21 Drawings showing the full extent of works planned to the buildings are submitted with this application. The proposals retain the shape, form and character of the existing buildings.

Provision of adequate natural light

- 6.22 Habitable rooms are defined in paragraph x as any room used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms. In terms of the current proposals, the habitable rooms are the bedrooms as well as the kitchen/living/dining area in each dwelling.

- 6.23 The provision and dimensions of windows, doors and walls in each of these habitable rooms is shown on submitted drawings 2568-1102 Rev A, 2568-1103 Rev A, 2568-1104 Rev A, 2568-1105 Rev A and 2568-1106 Rev A. In our view, the proposed specification will ensure the provision of adequate natural light to all of the proposed habitable rooms.

Compliance with space standards

- 6.24 From 6th April 2021, S.I. 2020/1243 issued in November 2020 requires all Class Q developments to comply with the nationally described space standard issued by the DCLG on 27th March 2015 (the Technical housing standards – nationally described space standard).
- 6.25 According to the Technical housing standards, the minimum gross internal floor area for a 2-bedroom, 4-person, single-storey dwelling is 70 sq m. With a floor space of nearly 100 sq m (GEA) for the proposed smaller dwellinghouses, the proposals greatly exceed the minimum standards. Similarly, the minimum gross internal floor area for a 6-bedroom, 8-person, two-storey dwelling is 132 sq m. With a floor space of some 463.05 sq m (GEA) for the proposed larger dwellinghouse, the proposals again vastly exceed the minimum standards.

7.0 CONCLUSION

- 7.1 The evidence, analysis and justification submitted with this application confirms that the proposed change of use and associated operational development is permitted development in accordance with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 7.2 Since this application is identical to that approved under application ref: 22/00137/P3CQ and there has been no material change in relevant circumstances since the grant of that approval in April 2022, we assume the Council will similarly agree that the current application is appropriate.

- 7.3 We understand the Local Planning Authority has 56 days within which to determine the application following its receipt.

DK Planning & Development Limited
December 2024