

# **PLANNING COMMITTEE**

**10th April 2019**

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**Planning Application 19/00137/CUPRIO**

**Conversion of existing agricultural barn to create one dwelling.**

**Walnut Tree Farm, Dark Lane, Astwood Bank, Redditch, Worcestershire, B96 6AS**

**Applicant: Mr Adrian Nicholls**  
**Ward: Astwood Bank And Feckenham Ward**

**(see additional papers for site plan)**

The author of this report is Emily Farmer, Planning Officer (DM), who can be contacted on Tel: 01527 881657 Email: emily.farmer@bromsgroveandredditch.gov.uk for more information.

## **Site Description**

The application site comprises of four buildings within a courtyard surrounded by farmland. The site is served by a single vehicular access from Dark Lane which is a Public Right of Way that connects Dark Lane with Priest Meadow Close. The buildings on site comprise of a large farmhouse with annex to the south and west and a pitched roof brick built barn to the east. To north of the site is a dutch barn which is the building subject to this application. The existing building is currently used to store animal feed, farm machinery and fencing materials. Previously the building has been used to keep sheep, pigs, goats and poultry.

The existing dutch barn is constructed with 2.6-2.8m high masonry cavity walls with timber cladding on timber studwork above going up to eaves level. The roof is supported by a lightweight steel frame comprised of a series of arched trusses, with lightweight bracing in between, supporting a curved single skin corrugated metal sheet roof. The floor of the barn is concrete.

## **Proposal Description**

The proposal is to convert the existing barn into one 4 bedroom dwelling. The site will utilise the existing access and parking will be provided within the existing courtyard. A small area to the rear of the building will be converted to garden space to serve the dwelling. The external appearance of the building will be relatively unaltered however the conversion does include the introduction of new window and door openings. The land beyond this area will be unaltered and will remain in agricultural use.

## **Relevant Policies :**

Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).

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National Planning Policy Framework  
National Planning Practice Guidance

## **Relevant Planning History**

|              |                                     |         |            |
|--------------|-------------------------------------|---------|------------|
| 1996/208/FUL | Improvements To Existing Dutch Barn | Granted | 12.06.1996 |
|--------------|-------------------------------------|---------|------------|

## **Consultations**

### **Highways Redditch**

No highway objections to the proposed conversion of existing agricultural barn to create one 4 bed dwelling. The site is located within a residential location and is accessed off Dark Lane via a lane which is listed as Public Right of Way (PRoW) path no: 147. No new vehicular access is proposed for the proposed dwelling. Dark Lane benefits from a single lane and grass verges on both sides of the carriageway, no footpaths or street lighting are present on Dark Lane in the vicinity of the proposed dwelling. A PRoW footpath from the proposed dwelling leads to Dark Lane and Priests Meadow Close.

The applicant has provided 2 car parking spaces for the proposed 4 bed dwelling, however for this application to be acceptable applicant to from 3 car parking spaces in accordance with Streetscape Design Guide (spaces is available within the court yard).

### **WRS - Noise**

No objection.

### **WRS - Contaminated Land**

WRS have reviewed the above planning application for potential contaminated land issues of which none have been identified. Therefore WRS have no adverse comments to make in relation to contaminated land.

### **North Worcestershire Water Management**

The site is in flood zone 1 (low risk of modelled river and tidal flooding) and we don't have any report issues to the property and surrounding barns.

The Environment Agency's surface flood maps shows surface water flood risk at the 1 in 1000 year return period. This is outside the required 1 in 100 year + an allowance for climate change standard of protection in which we require properties to be protected to, however it should not be ignored. Given there is as local flow route the applicant may look to install additional drainage to the access driveway and connect it into the nearby watercourse.

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The applicant has not demonstrated how they wish to dispose of their water, by way of a soakaway, watercourse or sewer. Therefore a drainage strategy condition is considered reasonable.

### **Worcestershire County Council Countryside Service**

Redditch footpath RD-754 follows the principal vehicular access route for the development site.

It should be noted that, under section 34 of the Road Traffic Act 1988, any person who, without lawful authority, drives a motor vehicle on a public right of way commits an offence. The applicant should make themselves satisfied that they, and anyone else who may use public rights of way for private vehicular access in connection with the development, has a right to do so. They may wish to seek legal advice on the matter. The County Council is responsible for maintaining rights of way to a standard suitable for their usual public use.

We have no objection to the proposals provided that the applicant notes the above and adheres to the following obligations:

- The Public safety of those using the right of way must be ensured at all times.
- There must be no disturbance of, or change to, the surface of the paths or part thereof without our written consent.
- There must be no diminution in the width of the rights of way available for use by the public.
- Buildings materials must not be stored on the rights of way.
- Vehicle movements and parking are to be arranged so as not to unreasonably interfere with the public's use of the rights of way.
- No additional barriers are to be placed across the rights of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without written consent of the Highway Authority.

### **Arboricultural Officer**

I hold no objection to the proposed development with regards to tree related issues.

The site of the proposed development does contain a number of trees, the majority of which are small and akin to a well-established garden.

I do not envisage that the proposed development will have a detrimental effect on the surrounding vegetation or trees, however I would like to see the existing, retained, tree protected throughout all phases of the development in accordance with BS5837:2012.

### **Public Consultation Response**

3 representations have been received raising objections which are summarised as follows;

- Loss of privacy to Nos. 68, 67 and 65 Priest Meadow Close

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- Request for sufficient screening around garden to avoid overlooking
- Request that no windows face onto No. 65 Priest Meadow Close
- Change of use will set precedent on site for further development
- Conflict of access on public footpath
- Survey may have been undertaken when amphibians such as toads, frogs & possibly newts would have been dormant & hibernating and is therefore inaccurate.
- Pollution of Brandon Brook or ponds within the vicinity
- Proposal would result in more vehicles
- Noise nuisance

### **Procedural matters**

Members should note that this is not a planning application. In 2015 Central Government introduced a range of permitted development rights to allow the change of use of a variety of different buildings to a residential use without the need for full planning permission. These proposals are, however, subject to a 'lighter touch' prior approval process. As such the proposal has been submitted as a Prior Approval application under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). A copy of the relevant part of the Order has been attached as an appendix to this report.

Class Q. a and b of the above legislation allows for 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 together with building operations reasonably necessary to convert the building. To establish whether the development can be considered under this process the application must be considered against the fixed criteria as outlined in detail within your officers report.

Where development can be considered under Class Q (a and 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 risk on site
- e) whether the location or siting of the building makes it otherwise impractical or undesirable 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, and
- f) the design and external appearance of the building.

Only the above list of considerations can be taken into account when making an assessment on this application. Having regards to this both Local and National policies relating to matters such as Green Belt and sustainability cannot be considered as part of this assessment.

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## **Assessment of Proposal**

Prior approval is sought under Schedule 2, Part 3, Class Q (a & b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter referred to as the GPDO) to convert an agricultural building into one residential dwelling. The proposal therefore needs to be considered against the limitations and criteria listed within Q.1 and Q.2.

### **Criteria Q.1 of Class Q**

Q.1 (a) specifically states that the last use of the building or the use of the building on 20th March 2013 must have been solely for agricultural purposes as part of an established agricultural unit. The applicant confirms that the site forms part of a registered agricultural holding with CPH number 17/435/0339 and was previously used for agricultural purposes specialty to keep sheep, pigs, goats and poultry. The current use of the barn is for the storage of animal feed, farm machinery and fencing materials. The use therefore accords with criteria Q.1 (a).

Q.1 (b-d) restricts the number of units and the scale of the units available under a Class Q application. The floor area of the building is 93sqm and the proposal is for one dwelling. The proposal is for one dwelling and therefore complies with this section.

Q.1 (e-f) requires the agricultural tenancy be terminated on site. The applicants have confirmed that the site is not under an agricultural tenancy agreement currently. The building therefore complies with this criterion.

Q.1 (g). Having reviewed the planning history no buildings have been constructed under Class A(a) or Class B(a) of Part 6 of the General Permitted Development Order since March 2013.

Q.1 (h). The Council have been mindful that the development should not result in external dimensions extending beyond the external dimensions of the existing building at any given point. The proposal will replace the existing cladding on the building and clad within some of the existing openings. The applicant has submitted a cross section that demonstrates the cladding will not extend beyond the external dimensions of the existing building and is therefore acceptable.

Q.1 (i) permits a series of building operations to the extent reasonably necessary in order to facilitate the conversion of the building to a dwelling. Case law has held that the cumulative extent of these works should not be so significant that the proposal results in a rebuild rather than a conversion of the existing building. The Planning Practice Guidance supports this by stating that the intention of the permitted development right is not to allow rebuilding work which would go beyond what is reasonably necessary for conversion to residential use. It is only where the existing building is already suitable for conversion for residential use that the building would be considered to have the permitted

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development right. Furthermore, the case law established that it is a matter of judgement as to where the line is drawn between a conversion and a rebuild. The structural survey confirms that the building is in good structural condition and is suitable for conversion to a residential unit. The applicants have also submitted a schedule of works which outline proposed works required to convert the building. The existing lightweight steel frame is to be retained in its entirety in addition to the foundations and concrete base. The corrugated metal sheeting on the roof is to be replaced with lightweight composite panels. The existing masonry cavity walls and high-level timber studwork are to be largely retained, but adapted in certain locations in order to allow the insertion of windows and doors. The existing large barn doors are to be removed and the existing openings will be infilled with new windows, the new entrance door, new timber cladding and brickwork re-used from where new openings have been created elsewhere. The existing high level dark brown waney-edged cladding is to be removed and replaced with new natural coloured horizontal tongue and grooved cladding. Having regards to the proposed works it is considered that the alterations proposed fall within the scope of Class Q.

Q.1 (j-m). The site does not fall within article 2(3) land, a site of special scientific interest, a safety hazard area, a military explosive storage area, a scheduled monument or a listed building.

On the basis of the above, the proposal complies with the criteria included within paragraph Q. 1.

### **Criteria Q.2 of Class Q**

As the development proposed is considered to constitute development under Class Q(a) and 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 risk on site
- e) whether the location or siting of the building makes it otherwise impractical or undesirable 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, and
- f) the design and external appearance of the building.

The following assessment has been made with respect to these criteria:

Q.2 (a) The application utilises an existing vehicular access and has provided sufficient parking. Therefore the Highway Authority raised no objection to the proposal. The Public Rights of Way Officer has commented on this application and provided some advice for the applicant to ensure that the development does not create any disruptions to the public right of way. These have been included as an informative on this recommendation.

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Q.2 (b) No objection has been received on noise grounds from Worcestershire Regulatory Services.

Q.2 (c) Worcestershire Regulatory Services have raised no objection to the scheme in respect of land contamination.

Q.2 (d) The site falls within Flood Zone 1 and is not shown to be susceptible to flooding. The drainage engineer consultee has raised no objection to the scheme subject to condition.

Q.2 (e) Given existing residential uses are within the locality it is not considered the location impractical or undesirable for a use falling within C3.

Q.2 (f) The building has been designed to ensure that the number of new openings are kept to a minimum. In addition the bricks will be re-used where possible. Having regards to this, the design is considered acceptable in this rural location.

No objections have been received from statutory consultees in relation to criteria (a) - (d) and therefore it is considered unreasonable to refuse the prior approval on these grounds.

### **Public Consultation**

Three objections have been received from neighbouring properties following the public consultation on this application. Nos. 68, 67 and 65 Priest Meadow Close have raised concerns in respect of their privacy as a result of the proposed conversion. The proposed dwelling does not result in any windows being installed in the east elevation facing into these dwellings. The garden area to the rear of the property is 25m from the rear of the dwellings along Priest Meadow Close and 9.5m to the rear of the gardens of the properties along Priest Meadow Close. In addition to this the boundary to the rear of these gardens benefits from dense vegetation. Having regards to these separation distances achieved and the existing boundary treatments the proposed dwelling is not considered to demonstrably harm the privacy enjoyed by these dwellings.

Concerns have also been raised in respect of the ecology report that has been submitted as part of this application. An Ecological Impacts Assessment Report was submitted by the applicant by Dr Penny Angold a consultant ecologist at AMPA Associates Limited. The surveys is dated January 2019 which is in the winter months however the ecologist has concluded that sufficient evidence was available on site to make an informed judgement on the impact of the proposal on local ecology. The report acknowledges that there are records of notable species in locations close to the development and this includes reptiles, amphibians, hedgehogs, badgers and bats. The report has outlined a detailed method statement that will ensure that no animals are killed or injured during the works and that there is no breach of current wildlife legislation. The method statements can be controlled by condition to ensure that the developer carry out these works in accordance with the advice given.

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In respect of the conflict on the Public Right of Way (PRoW), the PRoW is currently used as a vehicular access for two dwellings and an annexe and therefore has a number of comings and goings. The introduction of an additional dwelling on this site would not create such a number of vehicles above and beyond the existing situation or in fact the farm vehicles that could currently use the track.

In respect of a noise nuisance, Worcestershire Regulatory Services have not objected to the scheme and it is not considered that one dwelling in the context of this site would create a harmful noise nuisance to the surrounding properties.

Comments have suggested that this development would set a precedent for future development on site. However, each application is to be considered on its individual merits.

In respect of the possible pollution to the brook and ponds in the vicinity, these are not in close proximity to the barn subject to this application and in any event would be protected under separate legislation.

### **Conclusion**

On the basis of the information submitted with the application and all the comments received from the neighbouring properties and relevant consultees, the proposed conversion complies with Schedule 2, Part 3, Class Q of the GPDO.

### **RECOMMENDATION:**

**That having regard to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and to all other material considerations, Prior Approval is required and GRANTED subject to the following conditions:**

### **Conditions:**

- 1) The development hereby approved under must be completed within three years starting with the prior approval date.

Reason: Required as a result of the provisions of Class Q, Part 3 Schedule 2 of the Town and Country Planning General Permitted Development Order 2015.

- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings:

PRE001 REV D - Proposed North & East Elevations  
PRE002 - Proposed South & West Elevations



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PRP0D0 - Dutch Barn - Proposed Level 0  
PRP0D1 - Dutch Barn - Proposed Level 1  
PRP200 - Proposed Site Plan (1-200)  
PRP500 - Proposed Site Plan (1-500)  
PRS001 - Proposed Sections  
PRV001 - Proposed 3d View 1  
SIT000 - Site Location Plan

REASON: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 3) The proposed materials shall be in accordance with the details within the Schedule of works submitted with this application.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area

- 4) No works in connection with site drainage shall commence until a site drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. If infiltration techniques are used then the plan shall include the details of field percolation tests.

Reason: In order to ensure no increase in flood risk on or off site.

- 5) The Development hereby approved shall not be occupied until an area has been laid out within the curtilage of the dwelling for the parking of 3 cars at a gradient not exceeding 1 in 8. This area shall thereafter be retained for the purpose of parking a vehicle only.

REASON: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 6) The Development hereby permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point and thereafter the charging point shall be kept available for the charging of electric vehicles.

REASON: To encourage sustainable travel and healthy communities.

- 7) The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

REASON: To comply with the Council's parking standards.

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- 8) The Development hereby approved shall not be occupied until the parking facilities have been provided as shown on drawing 1853/PRP500 Rev C.

Reason: To ensure conformity with submitted details.

- 9) All trees shown as being retained shall be protected in accordance with the requirements of BS5837:2012 during the course of all on-site development works

Reason: To ensure adequate protection to trees in the interests of the visual amenities of the area

### **Informatives**

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.
- 2) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- 3) The applicant is advised to adhere to the following obligations:
  - The Public safety of those using the right of way must be ensured at all times.
  - There must be no disturbance of, or change to, the surface of the paths or part thereof without our written consent.
  - There must be no diminution in the width of the rights of way available for use by the public.
  - Buildings materials must not be stored on the rights of way.
  - Vehicle movements and parking are to be arranged so as not to unreasonably interfere with the public's use of the rights of way.
  - No additional barriers are to be placed across the rights of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without written consent of the Highway Authority.

### **Procedural matters**

This application is being reported to the Planning Committee because two (or more) objections have been received.