

ITEM NO:Application No.
19/00717/PAAWard:
Winkfield And
CranbourneDate Registered:
12 August 2019Target Decision Date:
7 October 2019

Site Address:

Windmill Farm Malt Hill Warfield Bracknell Berkshire

Proposal:

Application for prior approval change of use of existing agricultural buildings to use as 4 no. residential dwellings (C3).

Applicant:

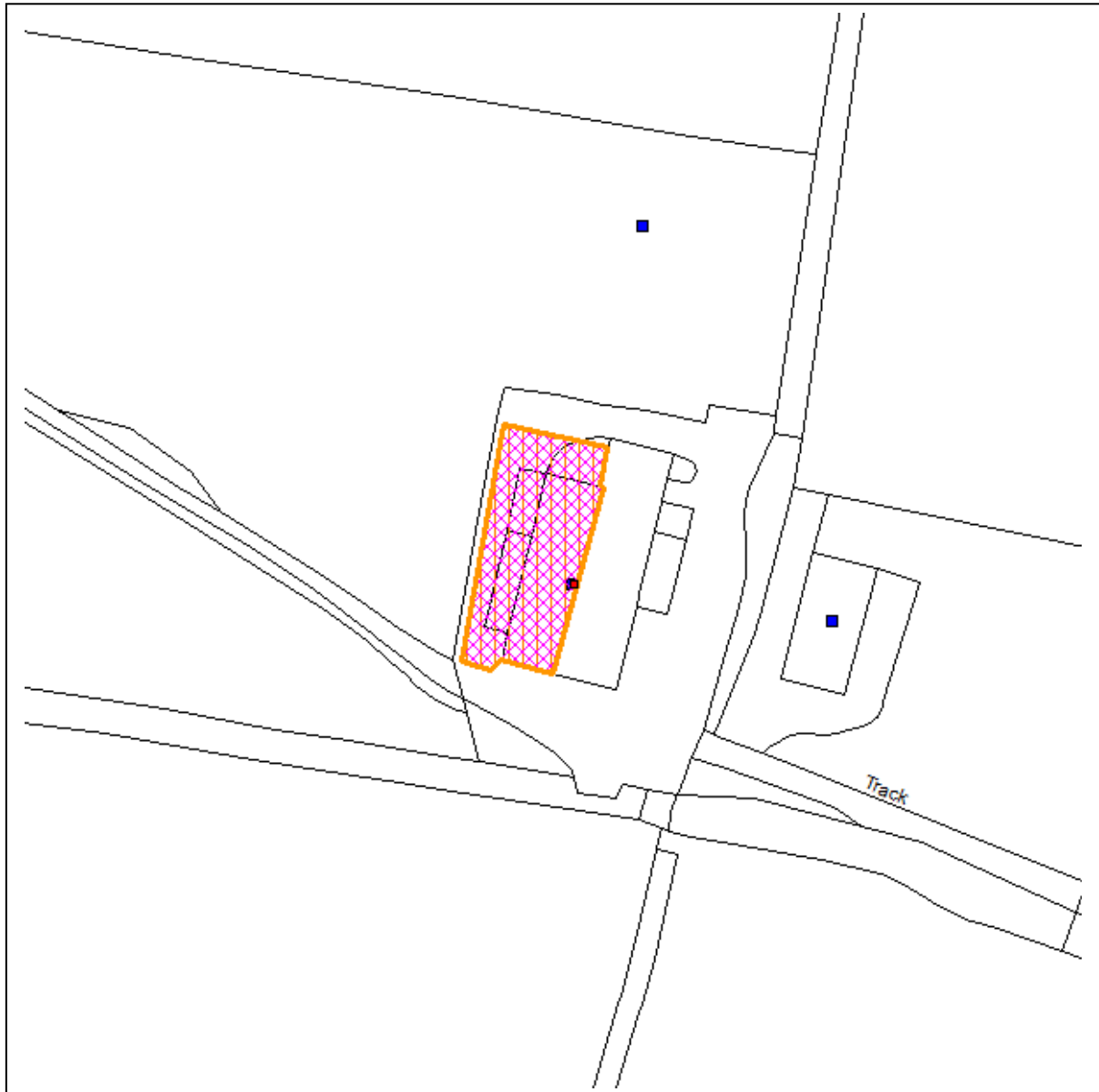
Mr Paul Knights

Agent:

Pike Smith and Kemp Rural

Case Officer:

Katie Walker, 01344 352000

development.control@bracknell-forest.gov.uk**Site Location Plan** (for identification purposes only, not to scale)

1.SITE DESCRIPTION

1.1 Windmill Farm is accessed off Malt Hill and is located to the east of the highway. The site consists of the main farm building and an agricultural building to the north, and the surrounding farmland on all sides. The site is bordered by Meadowbrook Montessori School to the south. The main farm building is an open sided frame barn.

1.2 The site is outside 5km of the Thames Basin Heath Special Protection Area.

2. REASON FOR REPORTING THE APPLICATION TO COMMITTEE

2.1 The prior approval must be determined, and a decision issued accordingly, within 56 days.

3. RELEVANT SITE HISTORY

3.1 The relevant site history can be summarised as follows:

14/01331/PAC: Application for prior approval change of use of an agricultural building into a residential unit. – refused

15/00326/PAC: Application for a prior approval change of use of an agricultural building to a dwelling house (use class C3) – refused

16/00283/PAD: Application for prior approval for the erection of an agricultural barn. – prior approval required

16/00468/PAD: Application for prior approval for the erection of steel portal frame for the storage of hay – prior approval not required

16/00791/PAD - Application for prior approval to create a 10 million gallon reservoir by excavating material to create surrounding embankments – prior approval not required.

16/00803/FUL: Extension to existing cattle shed to provide shelter to existing feeding area – approved.

17/00221/FUL: Proposed erection of a building for workshop and office uses – refused.

17/00404/FUL: Extension to existing structure to provide 10. no stables – refused.

An application is being considered under reference 19/00718/PAA for prior approval for one dwelling at the storage barn on the site.

4.THE PROPOSAL

4.1 Prior approval is sought for the change of use of the barn to four dwellinghouses (Use Class C3) in accordance with Class Q and section W of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The applicant has submitted details to show the location of the building and existing and proposed plans of the building to demonstrate the change in its appearance.

4.2 The barn would be converted into four dwellings, each comprising 2 bedrooms with ensuites; an open plan kitchen/living/dining room; a utility room; and a cloakroom. The elevational changes to the building would comprise the installation of windows, roofs, flush rooflights, doors, exterior walls and connection to services. The roof would be replaced with a zinc roof and the walls would be vertical timber cladding. The windows would be steel framed.

5. REPRESENTATIONS RECEIVED

Parish Council

5.1 None received at the time of writing the report

4Other representations

5.2 None received at the time of writing the report.

6. SUMMARY OF CONSULTATION RESPONSES

Highway Officer:

6.1 No objection.

Environmental Health

6.2 None received at the time of writing the report.

6.3 No further statutory or non-statutory consultations have been required.

7. RELEVANT LEGISLATION

7.1 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows 'development consisting of –

- (a) a change of use of a building and any land within its curtilage from 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 within 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.'

7.2 Paragraph Q.1 states: Development is not permitted by Class Q if:

(a) the site was not used solely for an agricultural use or 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 not in use on that date, when it was last in use, or
- (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

(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;

(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 Class Order exceeds 100 square metres;
- (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;
- (e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- (f) less than one year before the date of 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;
- (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 the development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;
- (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;
- (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);
- (j) the site is 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;

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

(m) the building is a listed building.

7.3 Paragraph Q.2(1) states that 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 having regard 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, and
- (f) the design or external appearance of the building,

and the provisions of paragraph W (prior approval) of this Part shall apply in relation to any such application.

7.4 Paragraph Q.2(2) states that where the development proposed is development under Class Q(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in subparagraphs (1)(a) to (e) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

7.5 Paragraph Q.2(3) states that 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.

7.6 Paragraph Q.3 states that for the purposes of Class Q -

"larger dwellinghouse" means 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 Class Order;

"smaller dwellinghouse" means 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.

7.7 Paragraph W of Part 3 of the GPDO sets out the procedure to be followed where a developer is required to apply for Prior Approval to the Local Planning Authority under any class falling within Part 3. This paragraph states that the Local Planning Authority may refuse an application where, in the opinion of the Authority, the proposed development does not comply with, or the developer has provided insufficient information to enable the Authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

7.8 Paragraph X of Part 3 of the GPDO sets out the interpretation of 'agricultural building' in relation to Class Q. This states that it means "a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and 'agricultural use' refers to such uses."

7.9 Paragraph X of Part 3 of the GPDO sets out the interpretation of 'established agricultural unit' in relation to Class Q. This states that it means "agricultural land occupied as a unit for the purposes of agriculture - for the purposes of Class Q...on or before 20th March 2013 or for 10 years before the date the development begins."

7.10 Paragraph X of Part 3 of the GPDO sets out the interpretation of curtilage in relation to Class Q. This states that it is

"(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with or serving the purposes of the agricultural building; or
(b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building,
whichever is the lesser."

8. ASSESSMENT

8.1 Class Q permits development consisting of -

- (a) a change of use of a building and any land within its curtilage from a use as an agricultural building falling within Class C3 (dwellinghouses) of the Schedule to the use Classes Order; or
- (b) development referred to within 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.

8.2 As set out above, paragraph X of Part 3 of the GPDO sets out the interpretation of curtilage in relation to Class Q. The proposed curtilage for the scheme is 305 square metres. This is less than the area of land occupied by the building, which is 394.2 square metres and therefore complies with paragraph X.

8.3 In respect of the Paragraph Q.1 legislation:

a) The site was solely in agricultural use, as part of an established agricultural unit, on 20th March 2013 and has been since. No evidence has been submitted to the Local Planning Authority to state that this has not been the case since 20th March 2013 and the agent has provided the County Parish Holding Number for the agricultural unit.

b) No larger dwellinghouses are proposed as part of this application.

c) Four 'smaller dwellinghouses' are proposed under this application. The floor space of each proposed dwellinghouse under Class Q would be 97.13 square metres. This is under 100 sq.m. and therefore complies with the criteria set out under clause (c).

(d) This application would result in four smaller dwellinghouses. There is an application currently under consideration (ref. 19/00718/PAA) for one larger dwellinghouse with a floorspace of 292 sq.m, which is under the threshold of 465 sq.m within the same agricultural unit. The cumulative number of dwellinghouses proposed would be 5, which complies with criterion (d).

e) The site is not occupied under an agricultural tenancy.

f) An agricultural tenancy has not been terminated within a year.

g) No development under Class A(a) or Class B(a) of Part 6 of the GPDO has taken place since 20th March 2013. It is noted that an application for determination as to whether Prior Approval would be required for the erection of an agricultural building for use as a hay store was submitted in 2016 (ref. 16/00468/PAD) and it was determined that Prior Approval was not required. However this approval has not been implemented at the time of the current application.

h) The external dimensions of the residential building would not extend beyond the external dimensions of the existing agricultural building at any given point.

(i) The proposal includes the insertion of walls and windows, a replacement roof, the insertion of rooflights and connection to services. These building works are considered reasonable in compliance with clause (i).

j) The site is not on Article 2(3) land.

k) The site is not located in an SSSI, a safety hazard area or a military explosives storage area.

l) The site does not contain any scheduled monuments.

m) The building is not listed, and the wider site does not contain any Listed Buildings.

8.4 With regard to the conditions listed in paragraph Q.2:

a) Transport and Highways Impacts of the Development

Access

8.5 The applicant's Cover Letter notes, *'the property is accessed via a wide bell mouth entrance off the adopted highway known as Malt Hill whereby there are compliant visibility splays'*. This existing access is of sufficient width to cater for residential access, including domestic delivery vehicles, and for residential traffic to be accommodated along with existing farm traffic; which is a common scenario. It is noted that there is separate prior approval application for the change of use of another existing agricultural building (within Windmill Farm) to one residential dwelling, and vehicles, pedestrians and cyclists accessing residential development can pass at the highway access. Acceptable visibility splays are provided at this existing access onto this unclassified road, which is derestricted and unlit; and there is sufficient inter-visibility between this access and the nearby Church Lane Junction

8.6 These 4 no. residential units would be some 200m from the public highway at Malt Hill, and this exceeds the requirements for residential waste collection. Residents will need to bring their waste to the roadside (or within 25m) for collection by the Council, which would be a long way to haul wheelie bins. However, this does not warrant a refusal of the Prior Approval. While the Highways Authority has suggested that improvements to the surfacing of the farm access track should be considered to improve access to serve these 4 dwellings, and the 5 dwellings, which could result from the two prior approval applications, this is not a material planning consideration under the Prior Approval process.

Parking

8.7 While parking is not a material planning consideration under the Prior Approval process, an indicative car parking plan has been provided, demonstrating that appropriate parking can be provided in line with the Council's parking standards on site and as such the proposal would not generate over-spill parking on Malt Hill (a rural unlit road which is around 200m away). No details

of cycle parking have been provided, however this is not a material planning consideration under the Prior Approval process.

Trips

8.8 This proposal for 4 residential units could generate 24 two-way trips per day, including two or three movements in both peak periods, and this is likely to be greater than the traffic generated by the existing agricultural building. The site is considered to be in a relatively unsustainable location, thus the majority of trips are likely to be by car. However, the Highways Authority has no objection to this prior approval.

b) Noise Impacts of the Development

8.9 The site is not located close to any noise generating uses.

c) Contamination Risks on the site

8.10 Comments awaited.

d) Flooding Risks on the site

8.11 The site is not located on either Flood Zone 2 or Flood Zone 3.

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

8.12 Planning Practice Guidance with regard to this condition was published on 5 March 2015. This states that "Impractical reflects that the location and siting would 'not be sensible or realistic', and undesirable reflects that it would be 'harmful or objectionable'.

8.13 When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development rights grant planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.' Therefore the siting of this dwelling in an isolated Green Belt location, a considerable distance away from important local facilities such as schools, shops, health centres and public transport, is not a reason to refuse prior approval.

8.14 The guidance goes on to state "There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building is on top of a hill with no road access, power source or other services its conversion is impractical." As the site is located adjacent to an existing farm building with road access and has access to services it is not considered that the proposed conversion would be impractical.

8.15 The guidance also states "Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines and chemicals.' The building would not be adjacent to any such uses, and in this respect it would not be harmful or objectionable to site a building in this location. It is therefore not considered that the siting of a building in this location would be undesirable, for the purposes of this condition.

8.16 Finally, the guidance states "When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval." Therefore although the NPPF seeks to avoid isolated homes in the countryside other than in particular circumstances, this is not relevant to an application for prior approval.

8.17 It is therefore not considered that 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 and External Appearance of the Building

8.18 Proposed floor plans and elevations have been submitted to the Local Planning Authority in relation to the design and external appearance of the building, received by the Local Planning Authority on 12 August 2019. A schedule of materials was also submitted, demonstrating that the walls comprise vertical timber cladding, the roof would be zinc with flush roof lights and the windows would be steel framed. These details are considered satisfactory in allowing an assessment to be made on the design and external appearance of the building, which is considered acceptable.

9. CONCLUSIONS

9.1 An assessment has been made of the proposal and it is considered that Prior Approval is required for the change of use of the building and land from agricultural use to a C3 (dwellinghouses) use.

9.2 The proposals comply with the criteria set within Paragraph Q.1 of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Comments are awaited to assess whether the proposal satisfies the conditions in Paragraph Q.2 of the same legislation with regards to contamination. Subject to these comments regarding contamination, Prior Approval can be granted.

10. RECOMMENDATION

10.1 That the application be delegated to the Head of Planning to grant Prior Approval subject to the expiry of the consultation period; no objections being received in terms of contamination; and subject to the following condition:

01. The development must be carried out in accordance with the following plans and information received by the Local Planning Authority on 12 August 2019:

- Existing elevations
- Proposed east and west elevations
- Proposed north and south elevations
- Materials schedule
- Existing floor plan
- Proposed floor plan
- Proposed roof plan

And the following plan received on 21 August 2019:

- Site plan

Informative(s):

01. Such a building in a rural area may support roosting bats or nesting birds. The legislation protecting these species overrides Permitted Development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification). As such the building should be surveyed for such species prior to any works taking place at the site. Any works that result in a harm to such species may be liable to prosecution.

02. The applicant is advised that this development is subject to Regulation 64 of The Community Infrastructure Levy Regulations 2010 (as amended).

03. Information and advice on refuse and recycling arrangements can be found at:
<http://www.bracknell-forest.gov.uk/guidance-notes-for-new-developments-waste.pdf>

04. 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.