

**ITEM NO:**Application No.  
**19/00721/PAA**Ward:  
Winkfield And  
CranbourneDate Registered:  
12 August 2019Target Decision Date:  
7 October 2019

Site Address:

**Nuptown Piggeries Hawthorn Lane Warfield  
Bracknell Berkshire RG42 6HU**

Proposal:

**Application for prior approval for the change of use of 2no. agricultural buildings to 5no. dwellinghouses (C3) following the demolition of part of the buildings.**

Applicant:

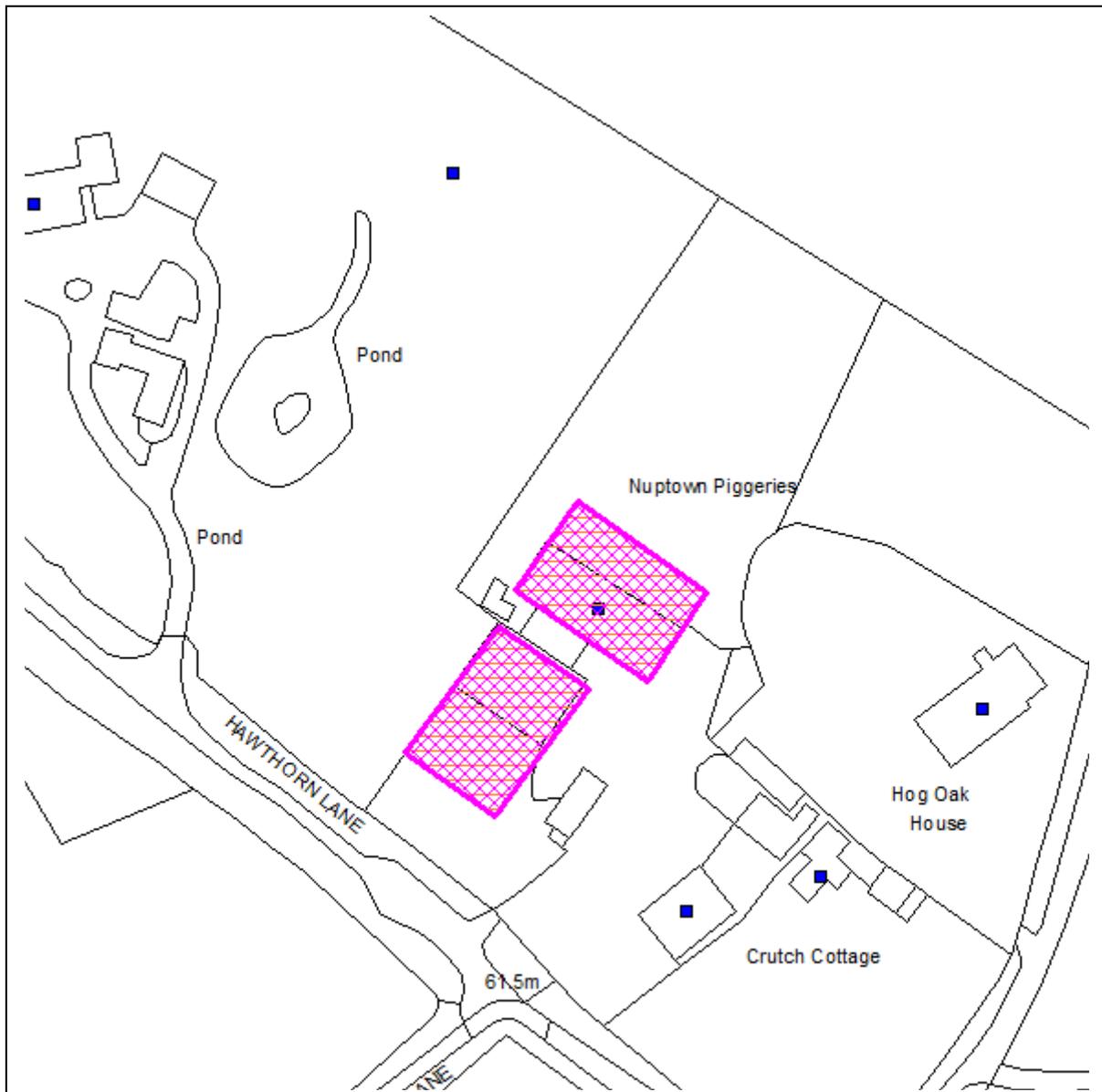
Mr Derek Chesterman

Agent:

Mr Nick Kirby

Case Officer:

Sarah Fryer, 01344 352000

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

## 1. SITE DESCRIPTION

1.1 The site consists of a number of single storey buildings, located within a site known as Nuptown Piggeries, sited to the north of Hawthorne Lane, Warfield.

1.2 The site consists of 6 buildings last used for agriculture apart from building C (see below), most of the rest of the site is covered in hardstanding.

1.3 It is noted that Class R of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, permits the change of use from agriculture to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage and distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule to the Use Class Order by notifying the planning authority of the intended change of use. Building C is considered to have a lawful B8 use under notification registered under application PRE/17/00439/GEN. To comply there is a requirement for applicant to notify the Local Planning Authority when the change of use takes place; written confirmation of that the use started on 3<sup>rd</sup> January 2018 was submitted with the application.

1.4 Application 16/00689/PAA approved the change of use of buildings A and E to residential under Class Q Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.



1.5 The buildings are all single storey with varying heights of between 5.8m and 3.06m. Building A the most northerly sited building has a barrel shaped roof and constructed from metal sheets. Building E has a pitched roof with breeze blocks to the base and prefabricated sheets forming the rest of the walls and roof.

1.6 The site is located within the Metropolitan Green Belt and is surrounding by a mixture of residential properties grouped around the junction with Hawthorne Lane, Nuptown Lane and Hogoak Lane. Open agricultural land surrounds the small hamlet and borders the northern boundary of the site. A woodland TPO relates to an area adjacent to the western boundary of the site. This was recently subject to an approved application to fell the trees within this area (ref: 17/00279/TRTPO).

## **2. REASON FOR REPORTING THE APPLICATION TO PLANNING 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:

19/00511/PAA Prior approval application for the conversion of two agricultural buildings to 5 residential units in C3 use. Withdrawn

18/00124/FUL Erection of 2no. dwelling houses with detached garages following demolition of existing buildings and removal of hardstanding. Approved 06.06.2018

16/00689/PAA: Application for prior approval for the change of use of 2no. agricultural buildings to 2no. dwellinghouses following the demolition of part of the buildings. Approved 02.09.2016.

16/00154/PAA: Application for prior approval for the change of use of 2no. agricultural buildings to 2no. dwellinghouses following the demolition of part of the buildings – Refused 2016.

15/01131/FUL: Change of use of agricultural land to residential and erection of a detached dwellinghouse and driveway, and construction of a new driveway for Hogoak House following the demolition of the existing agricultural buildings and hardstanding - Refused 2015.

13/00156/FUL: Change of use of existing agricultural barn to form 1 no. 6 bed detached dwelling and erection of detached garage following demolition of existing derelict buildings - Approved 2013.

10/00792/OUT: Outline application with all matters reserved, for the erection of 1no. detached dwelling and garage following demolition of all existing buildings - Refused 2011.

03/00418/FUL: Continued use of agricultural buildings (total floor space 402 sq.m.) for storage purposes with ancillary offices - Refused 2003.

01/00662/FUL: Erection of 1no. five bedroomed house and building containing 4no. stables following demolition of existing buildings - Refused 2001.

## **4. THE PROPOSAL**

4.1 Prior approval is sought for the change of use of two agricultural buildings (buildings A and E) to 5 dwelling houses (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 (as amended). The applicant has submitted details to show the location of the buildings and existing and proposed plans of the buildings to demonstrate the changes in their appearance, extent of the residential curtilage and where parking can be accommodated.

4.2 Building A is a large barn of 324 square metres and it is proposed to convert this into 3 dwellings of 99sq m., 126 sq.m and 99 sq.m. respectively. Alterations to the building include three sets of French doors and 7 windows to the northeast elevation; two windows on the southeast and northwest elevations; and three entrance doors and seven windows to the southwest elevation.

4.3 Building E would be separated into two dwellings of 134sq.m each. Alterations to the building to facilitate the change consist of 2 doors and 2 windows to the northeast elevation; 4 sets of bi-folding doors and 2 windows to the south west elevations and each flank elevation would have 3 windows.

## **5. REPRESENTATIONS RECEIVED**

5.1 Three representations received objecting to the proposal on the following grounds:  
Has lived on Nuptown Lane since 2000 and never witnessed any agricultural activity.

- 5 dwellings would spoil this part of the Green Belt.
- The number of vehicle movements from the 13 proposed vehicle spaces would be dangerous for the pedestrians, cyclists, riders and animals which pass this site.
- Contamination from the asbestos which is on the site is of concern.
- The plans show encroachment of the garden area beyond the current site boundaries which is unacceptable [Officer Note: The size of the proposed curtilage is in line with legislation, as set out in section 8 of this report]

## **6. SUMMARY OF CONSULTATION RESPONSES**

Highway Officer:

6.1 Raises no objection to the proposal.

Environmental Health:

6.2 Comments awaited.

## **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 sub-paragraphs (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 each dwelling is no greater than the area occupied by the building as demonstrated on the proposed site layout plan and therefore complies with paragraph X.

8.3 In respect of the Paragraph Q.1 legislation:

a) Following the submission of statements and evidence from the applicant it was accepted at the time of the 2016 application that on the balance of probability buildings A and F were in agricultural use on the 20<sup>th</sup> March 2013. The previous accepted evidence has been re-submitted. Neighbours have objected on the basis that having lived on Nuptown Lane for a number of years, they have never witnessed any agricultural activity taking place. These objections were raised at the time of the 2016 application and investigated at that time. It is not considered that anything significant has changed since the 2016 application and at the time of visiting the site the buildings subject of this application did contain large bales of hay. Accordingly, the former agricultural use of Building A and E is accepted.

b) As three larger dwellinghouses are proposed, two with a floor area of 134 sq.m. and one of 126 sq.m. (making a total floor area of larger dwellings houses of 394sq.m.), criterion b) is met. None of the proposed dwellinghouses would have a floor area of 465 sq.m accordingly this criterion (ba) is met.

(c) There are 2 smaller dwellinghouses each with a proposed floor area of under 100sq.m. accordingly this criterion is met.

(d) Only 5 dwellings are proposed under this application and hence this criteria is met.

(e) The applicant's agent has confirmed that the agricultural unit is not nor has been subject to an agricultural tenancy.

(f) No agricultural tenancy has been terminated.

(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 Prior Approval was granted in 2016 (ref. 16/00689/PAA) for buildings A and E. However, the previous prior approval has not been implemented at the time of the current application.

(h) The plans show that the building works would be contained within the existing footprints of the buildings.

(i) The plans show that windows and doors would be installed where required and detailed above. It appears that infilling of the large agricultural openings would be required however, from the submitted drawings the materials appear to match the pre-fabricated sheeting of the existing buildings. No details have been submitted about service connections however it is accepted that services will have to be provided and works undertaken to provide those connections.

(j) the site is not on article 2(3) land;

- (k) the site does not 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 not and does not contain, a scheduled monument;
- (m) the building is not a listed building.

8.4 With regard to the conditions listed in paragraph Q2:

**a) Transport and Highways Impacts of the Development:**

Access

8.5 These 5 residential units would utilise an existing access off the unmade section of Hawthorn Lane, which is a byway; and an existing traffic sign at the junction of Nuptown Lane with Hawthorn Lane notes that the byway is, 'Unsuitable for Motors'. However, this byway currently serves a couple of existing residential properties, and would therefore provide an adequate access to additional properties. The lane is currently used for parking by walkers using the surrounding rights of way, though the parking does not obstruct access along this quiet low speed lane. Also, this site could generate some use of this byway by agricultural traffic, at present. The reduction in agricultural traffic may reduce pressure on the condition of the lane.

8.6 Hawthorn Lane, Nuptown Lane, and other surrounding country lanes are relatively narrow, though there are some passing opportunities for vehicles along these lanes, including field/driveway accesses. These country lanes are wide enough for vehicles to pass pedestrians, and cyclists, and vehicle speeds along these country lanes are likely to be low. These country lanes currently serve a number of residential properties, and working farms. The additional use of these lanes for access to 5 units is not considered to give rise to highway safety concerns.

Parking

8.7 13 car parking spaces are shown on the Proposed Site Layout Plan (Drawing: D1235-31-Rev A), including one visitor space; and the provision of one visitor space complies with the parking standards for 5 units. This would provide 12 parking spaces for the 5 units, and this would comply with the parking standards for say, 3 no. 2 or 3-bed units and 2 no. 4-bed (or more) units. Floor plans have not been provided showing the number of bedrooms within each unit, and 5 no. 4-bed units would require 16 parking spaces overall. Whilst it would be preferable for the number of bedrooms to be clarified/shown on amended plans, it would be possible to accommodate additional parking on the site, and the Highway Authority could not sustain an objection on the grounds of inadequate parking. 2 wider spaces which would accommodate disabled parking are to be provided, in line with the Council's requirement that 10% of parking should be disabled parking.

Trips

8.8 This proposal for 5 residential units could generate 30 two-way trips per day, including two or three movements in both peak periods. Also, given the site's location, the majority of trips are likely to be by car. However, it is noted that the site was previously granted Prior Approval for 2 residential units, which could generate 12 two-way trips per day, and which would generally be by car. Also, the proposals would result in a reduction in agricultural traffic, which could be generated by the site. Hawthorn Lane, Nuptown Lane, and other surrounding country lanes currently serve a number of residential properties and working

farms. The additional traffic arising from the proposal would not represent a significant traffic increase along these country lanes.

8.9 In conclusion, the Highway Authority has no objection.

**b) Noise Impacts of the Development & Contamination Risks on the Site:**

8.10 The application has been accompanied by a Land Quality Assessment by Stantec. Whilst Environmental Health has been consulted, at the time of writing this report, no response has been received. This will be reported within the Supplementary report.

**c) Flooding Risks on the Site:**

8.11 The proposal does not pose any flooding risks.

**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 a 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 the public highway 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 or external appearance of the building**

8.18 As the design and external appearance is not significantly changing it is not considered there is any additional harm and as such the proposal is considered acceptable in this regard.

## **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 an agricultural use to a C3 (dwellinghouse) 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.

9.3 Objections have been raised in terms of inappropriate development within the Green Belt. The criteria for assessing Prior approval applications do not include an assessment of the impact upon the Green Belt.

## **10.0 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:

Layout Plan dwg no. D1235-31a  
Existing Building dwg no. A D1235-32  
Building 'A' Conversion dwg. No. D1235-33  
Existing building E plans and elevations dwg. No. D1235-36  
Building E Conversions dwg no. D1235-37

### 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 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.