

LITTLE SNORING – PU/21/3150 - Change of use of an agricultural building to 2 "larger" dwellinghouse and building operations reasonably necessary for the conversion; Barn at Jex Farm, Thursford Road, Little Snoring; for J S Jex Ltd.

Other Minor Development

- Target Date: 26th January 2022

- Extension of time: 25th March 2022

Case Officer: Mrs L Starling

Prior Notification

CONSTRAINTS

Countryside

Agricultural Land Classification – Grade 3

Landscape Character Area Type TF1 (Tributary Farmland)

EA Risk Surface Water Flooding 1 in 100 – Risk of Flooding (1% annual chance): 1 in 100

EA Risk Surface Water Flooding 1 in 100 – Risk of Flooding (0.1% annual chance): 1 in 1000

EA Risk Surface Water Flooding 1 in 30 – Risk of Flooding (3.3% annual chance): 1 in 30

EA Risk Surface Water Flooding + CC – SFRA – Risk of SW Flooding + Climate Change: T

Areas Susceptible to Groundwater SFRA - Classification: >= 25% <50% Flood Type: Clearwater

RELEVANT PLANNING HISTORY

Applications relating to this site:

PU/21/1068 - Change of use of agricultural building to 4 dwellinghouses (Class C3) and building operations reasonably necessary for the conversion – Application withdrawn

PF/20/1559 - Conversion and external alterations to agricultural building to form 5 dwellings; erection of detached open fronted garages - Withdrawn

PF/00/0503 – Erection of Agricultural Grain and Machinery Store – Approved

Applications relating to the directly adjacent buildings:

PF/21/1429 - 1, 3 and 4 Meadow View, Thursford Road - Timber cart lodge for parking and secure storage for Barns 1, 3 and 4 – Approved

CDA/18/0712 - Discharge of conditions 7 (construction environmental management plan) and 8 (ecology) of planning permission ref: PF/18/0712 - Condition Discharge Reply

PF/18/0712 - Conversion and extension of agricultural barns into 4. no residential units, creation of parking areas and associated landscaping works – Approved

PU/18/0318 - Jex Farm Barn - Notification for prior approval for a proposed change of use of agricultural building to No.2 dwellinghouses (Class C3) with associated operational development – Withdrawn

PF/14/1435 - Jex Farm Stable - Variation of condition of planning permission ref: 04/0595 to permit permanent residential occupation – Approved

PF/14/0085 - Jex Farm Barn - Removal of Condition 3 of planning permission reference: 02/0840 to permit permanent residential occupation - Approved

THE APPLICATION

This application is submitted under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (hereinafter referred to as the GPDO).

This sets out:

Class Q – agricultural buildings to dwellinghouses

Permitted Development

Q. 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.

Permitted development is subject to a number of restrictions set out in paragraph Q.1 (development not permitted) and also conditions detailed in paragraph Q.2 of the GPDO. This latter paragraph requires the developer to apply to the local planning authority for a determination as to whether prior approval is required in relation to the following matters:

- (a) transport and highways impacts of the development;
- (b) noise impacts of the development,
- (c) contamination risks on 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 an agricultural use to a use as a dwellinghouse,
- (f) design and external appearance of the building, and
- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

The provisions of paragraph W of Part 3 of the GPDO also apply in relation to such applications which sets out the procedure for applications for prior approval.

Committee should note carefully that the procedure for determining prior approval applications is not the same as with standard 'FULL' or 'OUTLINE' type applications. If a proposal does not give rise to unacceptable impacts in relation to the above matters (a) to (g) then prior approval should be granted either unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.. This is set out in more detail within the relevant appraisal sections below

THE SITE

The building subject of this application is part of Jex Farm and lies to the north-east of the main farmhouse. The site consists of a modern agricultural building originally granted planning permission as a grain store in 2000 (ref: PF/00/0503). The building comprises a metal clad fully enclosed steel framed building, with the only opening being a large roller shutter door.

An existing shared driveway off Thursford Road would provide access to the site. West of the site is a shared access onto Bull Close Lane whilst to the south is the existing access to this barn and to the east lies land associated with the Jex Farm. Residential properties lie to the south and south-west in the form of a group of recently converted traditional barns, with the other nearest properties on Bull Close Lane.

This application follows a previously withdrawn application for the conversion of this building to 4 dwellinghouses (Class C3) (ref: PU/21/1068) which was withdrawn to address the Officer concerns raised in respect of compliance with the Class Q regulations.

The proposal would provide 2 no. single-storey 'larger' 4 bedroom dwellings, utilising the existing building footprint, and served by central open plan kitchen and living areas, bathrooms and utility areas.

REASONS FOR REFERRAL TO COMMITTEE

At the request of Councillor T Fitzpatrick in the event of an Officer recommendation of Approval and in light of local concerns raised, for the reasons set out below:

Policy SS 1 – Spatial Strategy for North Norfolk

Though Little Snoring is a service village, the Local Plan never envisaged a major residential development right at the northern edge of the village. There have been recent barn conversions which have created 6 new dwellings. The addition of the two proposed in this application would exacerbate the number of dwellings in a part of the village which was not intended by the Plan. Also, the steel barn in proposed for conversion in this application is far larger than the neighbouring conversions of traditional barn buildings.

Policy SS 2 - Development in the Countryside

This states that '**areas designated a Countryside development will be limited to that which requires a rural location**', and lists a number of criteria this has to meet. The only one which it could apply in relation to this application is '*the re-use and adaption of buildings for appropriate use.*'

Little Snoring is mainly red brick and/or flint with some yellow brick housing close to the A148. This proposal is not in keeping with the buildings in the village due to design and overall size. Should this be allowed it could be seen as challenging and offending the vernacular of the historic village.

Policy HO 9 - Conversion & Re-use of Rural Buildings as Dwellings

Paragraph 3.2.24 (page 65) states, '**The policy will only apply to buildings of historic or landscape value that are suitable for re-use with substantial re-build,**

extension or alteration. These buildings are worthy of retention, often vacant or under utilised, and residential conversion may offer a sustainable future. Poorly constructed buildings, those which have a negative visual appearance and those that have recently been constructed for another purpose will not be eligible.'

There are a number of criteria that the conversion would seem to fail to meet in terms of this planning policy:

- ***'The building is worthy of retention due to its appearance, historic or landscape value'***. It is prefabricated and basically utilitarian unattractive steel barn which will continue to look like an unattractive steel barn once it is finished.
- ***'The building is suitable for conversion to residential use without substantial rebuilding and the alterations protect or enhanced the character of the building and its setting'***. The proposed development would have a detrimental impact on its setting, being completely different to the sympathetic brick and tile barn conversion next to it.
- ***'The scheme is of an appropriate scale in terms of the number of dwellings proposed for the location'***. The corrugated steel barn is a gross over-development in terms of residential and would dwarf the existing barn conversions.
- ***'Poorly constructed buildings, those which have a negative visual appearance and those that have recently been constructed for another purpose will not be eligible.'*** A modern, corrugated steel barn presents what most people would regard as an utterly negative visual appearance in terms of a residential building. Both this appearance and the fact that it is of recent construction and does not fit well with the nearby residential conversions of vernacular farm buildings should be sufficient grounds for refusal of this proposal.

Policy EN 2 – Protection and Enhancement of Landscape and Settlement Character

The proposed development is adjacent to Little Snoring Airfield and farming land. **At night this area is in total darkness. The proposed barn conversion has a set of high windows which would disturb the dark sky tranquillity of this farmland and be a further intrusion when there is a move across the county to reduce lights in rural areas and increase areas with dark skies.**

Policy EN 4 - Design

This states ***'all development will be designed to a high quality, reinforcing local distinctiveness... Design which fails to have regard to the local context and not preserve or enhance the character and quality of the area will be unacceptable.'*** Given the type of industrial construction using prefabricated panels, this proposal fails to meet any requirement to be designed for the context within which it is set. I am sure in any other circumstance a planning department would dismiss a proposal to erect a steel clad dwelling next to a brick and tile barn conversion. Further, there is no other residential building in the whole of Little Snoring which is steel clad, so this proposal would instead detract from the quality and character of the local area.

PARISH COUNCIL

Parish Council – Confirmed no objections.

REPRESENTATIONS

None received.

CONSULTATIONS

NNDC Landscape Officer – No Objection subject to conditions

Based on the amended plans submitted addressing the various concerns, the Landscape Team have confirmed they raise no objections subject to the imposition of conditions to ensure the works carried out accord with the soft landscaping, hedge planting and ecological details submitted.

Norfolk County Council Highways – No objection subject to condition to secure parking and turning provision.

NNDC Environmental Protection Team – No objections subject to conditions in respect of method of foul drainage and an informative note in respect of unexpected contamination.

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life.
Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

POLICIES

Due to the nature of this application, its acceptability must be assessed in terms of compliance with the Town and Country Planning (General Permitted Development) Order 2015 (as amended), Article 3, Schedule 2, Part 3, Class Q.

In terms of the prior approval matters, the following Development Plan Policies are, however, considered relevant.

Policy EN 4 - Design

Policy EN 9 – Biodiversity and Geology

Policy EN 10 – Development and Flood Risk

Policy EN 13 – Pollution and hazard prevention and minimisation

Policy CT 5 – The Transport Impact of new development

Policy CT6 – Parking provision

MAIN ISSUES FOR CONSIDERATION

1. Compliance with the Town and Country Planning (General Permitted Development) Order 2015 (as amended), Article 3, Schedule 2, Part 3, Class Q.
2. Acceptability of the proposals in respect of prior approval matters under paragraph Q.2

APPRAISAL

1. **Compliance with the Town and Country Planning (General Permitted Development) Order 2015 (as amended), Article 3, Schedule 2, Part 3, Class Q (Q.1).**

The main consideration is whether the change of use complies with Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Class Q relates to the change of use of agricultural buildings to dwellinghouses and associated building operations.

The application has been assessed against the relevant GPDO criteria under Q.1 as follows:

Q.1 Development is not permitted by Class Q if—

- (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 development under Class Q begins;

Officer Assessment: Complies - The building appears to have been in agricultural use on 20th March 2013. From the appearance of the building, the Agents Supporting Statement and site history, it is clear that this building was originally built for agricultural purposes as a grain store (with permission granted in 2000) and as such it is considered that the proposal would comply with this requirement.

Q.1 Development is not permitted by Class Q if—

- (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;

Officer Assessment: Complies - The total combined floor space of the two larger dwellinghouses that are being created would not exceed 465sqm (plots 1 and 2 are shown as

188 sqm each).

Q.1 Development is not permitted by Class Q if—

- (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;**

Officer Assessment: Complies - Plots 1 and 2 are shown as 188 sqm each.

Q.1 Development is not permitted by Class Q if—

- (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;**

Officer Assessment: Not applicable as no smaller dwelling houses are being created.

Q.1 Development is not permitted by Class Q if—

- (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;**

Officer Assessment: Complies - Two larger dwellinghouses are being created (plots 1 and 2 are shown as 188 sqm each).

Q.1 Development is not permitted by Class Q if—

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

Officer Assessment: Complies - The site is not occupied under an agricultural tenancy

Q.1 Development is not permitted by Class Q if—

- (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;

Officer Assessment: Complies - Whilst it is noted that the agricultural tenancy agreement was terminated for the building, it is considered that sufficient documented evidence from the tenant/agent has been provided to demonstrate that the building is no longer required for agricultural use to comply with this requirement.

Q.1 Development is not permitted by Class Q if—

- (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;**

Officer Assessment: Complies - No development appears to have taken place under Class A(a) or Class B(a)

Q.1 Development is not permitted by Class Q if—

- (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;**

Officer Assessment: Complies - The proposed development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. The plans demonstrate that the external dimensions of the building would not be extended to facilitate the works.

Q.1 Development is not permitted by Class Q if—

- (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);**

Officer Assessment: Complies - The building operations proposed are considered acceptable in respect of meeting the 'reasonably necessary' criteria.

The application is supported by a Structural Survey to demonstrate that the buildings are suitable for conversion stating that the existing external walls and roofing materials would also be retained as part of the proposals. Whilst it is acknowledged that elements of external works to the fenestration will be required to facilitate the buildings conversion and to allow it to function as dwellings (including the introduction of doors, windows and glazing), those proposed are considered to constitute 'reasonably necessary' works in the parameters of Part Q. It should be noted that the scheme has been recently amended to further reduce the upper

level glazing originally in place of the door on the gable. As such, it is considered that the proposals comply with the 'reasonably necessary' criteria.

Q.1 Development is not permitted by Class Q if—

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

Officer Assessment: Complies - The site does not lie within a designated conservation area or Area of Outstanding Natural Beauty (AONB)

Q.1 Development is not permitted by Class Q if—

- (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;

Officer Assessment: Complies - The site is not nor does it form part of a SSSI. The site is not nor does it form part of a safety hazard area. The site is not nor does it form part of a military explosives storage area

Q.1 Development is not permitted by Class Q if—

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

Officer Assessment: Complies - The site is not nor does it contain a scheduled monument

Q.1 Development is not permitted by Class Q if—

- (m) the building is a listed building.**

Officer Assessment: Complies - The building is not a listed building

On the above basis, the proposed development complies with the requirements of Class Q.1.

2. Acceptability of the proposals in respect of prior approval matters under paragraph Q.2

Under this type of Prior Notification application for change of use under Class Q, Local Planning Authorities can only consider the following matters in regards to whether or not Prior Approval is required:

- (a) Transport and highway impacts of the development;**

Officer Assessment: Acceptable - The site provides adequate on-site parking and turning provision. No objections have been raised by the Highway Authority in respect of access and parking arrangements.

- (b) Noise impacts of the development;**

Officer Assessment: Acceptable - No objections have been raised by the Council's

Environmental Protection Officer in respect of noise, noting previous approvals for the conversion of other barns on the wider farm.

(c) Contamination risks on the site;

Officer Assessment: Acceptable – A Contamination Report was submitted with the application, the findings of which are accepted. No objections have been raised by the Council's Environmental Protection Officer on this matter,

(d) Flooding risks on the site;

Officer Assessment: Acceptable – The site lies within Flood Zone 1 and as such, there is no risk of flooding to the site. As the size of the building would remain the same and with little hardstanding proposed, it is not considered that there would be any significant increase in surface water run-off.

(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);

Officer Assessment: Acceptable – Given compliance with the matters as above, and the relative close proximity of the village, there is no reason to consider that the location or siting of the building would make the proposal either impractical or undesirable.

(f) Design and external appearance of the building;

Officer Assessment: Acceptable – As stated above under Section Q.1(i) the proposed alterations to the building are considered to be acceptable. The building would retain its cladded appearance with the addition of window/door openings to lend a more domesticated appearance as to be expected. Overall, it is considered that the design and external appearance of the building would be acceptable.

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

Officer Assessment: Acceptable – By virtue of the new openings proposed, all habitable rooms would benefit from natural light.

As there are no overriding concerns in respect of the above matters (a) to (g), no further information is required by Officers in respect of the proposed development.

CONCLUSION

It is considered that the proposed change of use of this former grain store to two no. larger dwellinghouses satisfies all the conditions set out within Class Q of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and amendments) and so therefore constitutes permitted development.

No prior approval is required given that there will be no material highway impacts, noise, contamination or flooding issues and the building is considered suitable for residential use as two no. larger dwellings, subject to the building operations permitted under the Order.

RECOMMENDATION: PRIOR APPROVAL NOT REQUIRED.

Conditions are suggested to cover the matters listed below, and any other conditions considered to be necessary by the Assistant Director for Planning:

1. Time limit
2. Accordance with approved plans
3. Materials as submitted
4. Compliance with/incorporation of ecological mitigation/enhancement measures
5. Soft landscaping to be carried out during next available planting season/replacement of new planting if required
6. Parking/turning area to be provided
7. Bin storage area to be provided
8. Prior agreement of external lighting other than hereby approved

Final wording of the conditions to be delegated to the Assistant Director for Planning.