

Officer Report

Reference No: P/PAAC/2022/06115
Proposal: Change of use & conversion of agricultural building to 1 no. dwellinghouse (Use Class C3)
Address: Bishops Farm Holt Lane Bishops Caundle Sherbourne DT9 5LY
Recommendation: Prior approval required and granted
Case Officer: Philip Longhurst
Ward Members: Cllr Legg
CIL Liable: Y

Fee Paid:	£206.00		
Publicity expiry date:	17 November 2022	Officer site visit date:	
Decision due date:	29 November 2022	Ext(s) of time:	
Where Scheme of Delegation consultation required under constitution:			
SoD Constitutional trigger:			
Nominated officer agreement to delegated decision		Date agreed:	

Relevant Planning History

None relevant

Constraints

LP - Boundary; ; West Dorset - Distance: 0

LP - SUS 2; ; NULL - Distance: 0

LP - NULL; ; NULL - Distance: 0

NELA - Dorset - Distance: 0

DESI - Site of Special Scientific Interest (SSSI) impact risk zone; - Distance: 0

DESI - Minerals and Waste Safeguarding Area - ID: 0; - Distance: 0

DESI - Minerals and Waste Safeguarding Area - ID: 0; - Distance: 0

DESI - Minerals and Waste Safeguarding Area - ID: 0; - Distance: 0

DESI - Minerals and Waste - Building Stone - Name: 0.0; - Distance: 0

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Legislative background

The prior approval process requires the applicant to apply to the Local Planning Authority for a determination as to whether the approval of the authority will be required, with respect to the following requirements:

- a) transport and highways impacts of the development
- b) noise impacts of the development
- c) contamination risks on site
- d) flooding risks on site; and
- 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 (dwelling houses) of the Schedule to the Use Classes Order.
- f) the design or external appearance of the building
- g) the provision of adequate natural light in all habitable rooms of the dwellings.

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The sections below of the National Planning Policy Framework are considered to be most relevant to the subject matter of the prior approval:

Part 12: Achieving Well-Designed Places

Part 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

Part 15: Conserving and Enhancing the Natural Environment

This is an assessment of the relevant planning legislation, under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended); and as such the policies contained within the North Dorset Local Plan Part 1 (January 2016) do not apply in this instance.

Consultation Responses

Consultation Responses	No Objection	Object	Brief Summary of Comments
Town or Parish Council			<p>“The application is a Class Q conversion of an agricultural building to a dwelling. If approved this will undoubtedly lead to a second application for a full planning permission potentially with some amendments. BCPC support the current application on the condition that:</p> <p>Any subsequent applications for the site do not result in expansion of the existing structure, either in floor area or height, or addition of a significant number of outbuildings for any use.</p> <p>One of the arguments of the current application is that the current building is</p> ”

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			no longer required for agricultural purposes therefore a later application for a replacement building for agricultural use should not be permitted. The BCPC wish to avoid over development of the site.”
Ward Member(s)			No comments received
Highways Officer			No objection subject to condition.
Environmental health			“It is recommended that, should planning permission be required and consent be granted, a suitable condition is applied which requires the applicant, in the event that ground contamination is encountered during construction, to cease operations and seek specialist advice; operations should not recommence without the written consent of the planning authority.”
Third Parties			No comments received

Officer Assessment

COMPLIANCE WITH PERMITTED DEVELOPMENT

Prior to the determination of Prior Approval it stands to be ascertained whether the proposed development falls within Permitted Development and, therefore, whether the application complies with the criteria set out in Q.1 (a) to (m) of Schedule 2, Part 3, Class Q, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). On assessment, the application appears to meet all the requirements of Class Q.1. (a) - (m) and therefore the proposed development constitutes conversion for the purposes of Class Q.

Building operations reasonably necessary

The application building consists of a single agricultural building. The barn is of timber framed construction. The timber framed walls (studwork and posts) have been built off the concrete ground floor slab. The roof is pitched, with a combination of corrugated metal and bitumen roof coverings, supported on purlins, which span between a range of trusses. The walls are clad in timber boarding on all sides. The proposal looks to retain the main structure of the building, the external cladding and metal corrugated roofing where possible.

Having regard to the amount of the building existing structure to be retained and the submitted feasibility report, it is considered that the works proposed for this application constitute acceptable and reasonable operations required for the proposed conversion for the purposes of Class Q.

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Prior approval is considered necessary given the building's location near to sensitive receptors.

DETERMINATION OF THE REQUIREMENT FOR PRIOR APPROVAL

Prior Approval Requirements

Transport and highways impacts of the development

The site benefits from existing access to the highway, following the submission of an addition plan showing the visibility splays for the access the highways authority raised no objections subject to condition.

Noise impacts

It is not considered that future residents would be adversely impacted by noise. The Council's Environmental Services officer raises no comment.

Contamination risks on the site

No known contamination, an unexpected contamination condition would ensure any unforeseen contamination is appropriately dealt with.

Flooding risks on the site

The application site falls within Flood Zone 1 and not in an area identified at medium or high risk of surface water flooding. There are no recorded incidences of flooding of the site and it is thus concluded that the proposed development would not be subject to any undue flood risk.

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.

Amendments to government guidance contained within the National Planning Practice Guidance has confirmed that it was not the Government's intention for the sustainability of the location of development to be considered under the remit of a change of use of an agricultural building to a dwellinghouse. It is considered that the location and siting of the building is acceptable. The overall extent of the farm complex is reasonably modest and not subject to intense farming. It is 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 residential.

The design or external appearance of the building

The design and external appearance of the proposed development would be considered appropriate; the conversion would follow the form of the existing building.

The provision of adequate natural light in all habitable rooms of the dwellinghouses

All habitable rooms have external windows that are considered to provide adequate natural light.

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Other matters

Whilst the comments from the Parish Council have been noted, it is not considered reasonable to apply the requested condition in this instance, if any future application was to be submitted the scheme must be in accordance with the national and local planning policies. It is the assumption that the conversion of this building would not result in the formation of any additional agricultural buildings.

Conclusions

	Yes	No
Having regard to your answers to all the preceding questions, is the application considered to be acceptable?	X	

Recommendation: Prior Approval required and is granted subject to the following condition:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 006 Location plan & site plan
 - 002 A Proposed ground floor plan
 - 001 A Proposed site plan
 - 003 B Proposed elevations
 - 007 Proposed Site Plan Visibility Splay.pdf

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Before the dwelling hereby approved is first occupied the first 5.0 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing - see the Informative Note below), must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

3. Before the dwelling hereby approved is first occupied the visibility splay areas as shown on the submitted plans must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

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4. Before the dwelling hereby approved is first occupied the turning/manoeuvring and parking shown on the submitted plans must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

5. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175.

Should any contamination be found requiring remediation, a remediation scheme shall be submitted to and approved by the Local Planning Authority. The approved remediation scheme shall be carried out to a timescale to be first agreed with the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and submitted which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

Informative Notes:

1. NOTE: This Prior Approval has been considered under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It has been permitted on the basis of the site solely being used for an agricultural use as part of an established agricultural unit in line with the requirements of the Order and specifically Class Q.1 (a)-(m).

It has also been permitted on the basis of the existing structure being converted as per the submitted plans/drawings. The applicant should note that any removal/demolition of the existing structure would render this Prior Notification application incapable of implementation as a conversion and that the requirements of Class Q.1 (a)-(m) should also be met.

Finally the Prior Notification has been determined based on the current information submitted at the time of the application. In the event that the site is sold on or there is a change in circumstances, any prospective purchaser should check whether the regulations continue to be met, and for the avoidance of doubt should consider the submissions of a further prior notification application if circumstances change.

2. INFORMATIVE NOTE: Dorset Highways

The vehicle crossing serving this proposal (that is, the area of highway land between the nearside carriageway edge and the site's road boundary) must be constructed to the specification of the Highway Authority in order to comply with Section 184 of the Highways Act 1980. The applicant should contact Dorset

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Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway.

Case Officer Signature:	Philip Longhurst	Authorising Officer Signature:	Simon Sharp
Date:	17/11/2022	Date:	22/11/22