

## OFFICER REPORT

<b>PROPOSAL</b>	<b>Application to determine if prior approval is required for a change of use from an agricultural building to one dwellinghouse (Use Class C3) and for building operations reasonably necessary for the conversion.</b>	
<b>LOCATION:</b>	Dell House Farm, Hawthorn Road, Four Marks, Alton, GU34 3ER	
<b>REFERENCE NO:</b>	25536/004	PARISH:Four Marks
<b>APPLICANT:</b>	Mr Stuart Keep	
<b>CONSULTATION EXPIRY DATE:</b>	04 July 2023	
<b>APPLICATION EXPIRY DATE:</b>	08 August 2023	
<b>COUNCILLOR(S):</b>	Councillor J Nelson, Councillor L Allsopp, Councillor N Day	
<b>SUMMARY RECOMMENDATION:</b>	<b>PRIOR APPROVAL IS REQUIRED AND APPROVED</b>	

### Site Description

The application building comprises a former agricultural building, as a workshop, store and attached carport, set back from Hawthorn Lane. The building is located between Dell House Farm building to the west and Hillside to the north-east. The site lies within a rural locality, largely surrounded by open farmland, countryside and Four Marks Golf Course.

The site lies outside of the 5km buffer zone of a Special Protection Area (SPA), is not located within Flood Zones 2 or 3 (medium and high risk flood zones) and is not situated within the river catchment areas of Meon, Test or Itchen rivers. The application site is not situated on Article 2 (3) land.

### Proposal

Prior approval for change of use of existing outbuilding (workshop, store and carport) to a single two bedroom dwelling, together with external alterations to the building comprising the addition of larch cladding to the building's external elevations, new window and door openings, a replacement zinc roof and canopy. The building's accommodation would be over a single level, with an external forecourt area to the north of the building for parking purposes. There is also an external terrace and deck areas on the south and east facing elevations of the building.

The proposed dwelling has an internal floor area of approximately 71 square metres.

This application is submitted as part of the requirements under the Town and Country Planning (General Permitted Development) Order (GPDO) (England) 2015 (as amended), specifically Schedule 2, Part 3, Class Q (agricultural buildings to dwellinghouses). This part of the Order is split into two sections, section (a) and (b).

Section (a) relates to development consisting of 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 (dwellinghouse) of the Schedule to the Use Classes Order; and section (b) development consisting of building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

This application relates to Class Q (a) development only and building operations are not for consideration as part of this prior approval application.

Condition Q.2 (2) of the GPDO states that, where development is applied for under Q (a) above, the developer must apply to the local planning authority for a determination as to whether the prior approval is required as to:

- a) transport and highway impacts;
- b) noise impacts;
- c) contamination risks on the site;
- d) flooding risks on the site; and
- e) whether the location or siting makes it impractical or undesirable to change use.

These are the matters for consideration as part of this prior approval application, where the procedure for prior approval is set out in the Town and Country (General Permitted Development (England) Order 2015. This procedure was amended in April 2014 to make it clear that local planning authorities must only consider the National Planning Policy Framework (NPPF) to the extent that it is relevant to the prior approval matter is sought for approval, transport, highways, noise etc. In addition, there is some further relevant guidance set out within the National Planning Practice Guidance (NPPG) that is also a material consideration in the review and determination of prior approval proposals. These matters are considered below.

### **Relevant Planning History**

25536/001 - Change of use of part of barn to light industrial use. Refused - 26/06/1998.

25536/003 - Prior Approval for a proposed change of use of agricultural building to dwellinghouse (Class C3). Permission, 09/06/2022.

### **Development Plan Policies and Proposals**

East Hampshire District Local Plan: Joint Core Strategy (2014)

## **Planning Policy Constraints and Guidance**

National Planning Policy Framework (NPPF) July 2021

In this instance the following sections of the NPPF are considered to be particularly relevant to the consideration of the development;

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 6. Building a strong, competitive economy
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving and enhancing the natural environment

Village Design Statement - Four Marks Village Design Statement - non statutory planning guidance that has been the subject of public consultation and therefore is a material planning consideration.

## **Consultations and Town/Parish Council comments**

County Highway Authority:

No objection, subject to condition (parking provision).

Drainage Consultant (EHDC):

No objection, subject to conditions.

Environmental Health (Contamination) (EHDC):

No objection, subject to conditions (site investigation and validation of remedial works).

Four Marks Parish Council:

The Parish Council raise an objection to this application. The proposed design is not in keeping with its countryside location and raise concerns as to whether the demolition and subsequent development of the site may give rise to contamination issues.

The Council would also query that, as this is development in the countryside, whether it would be contrary to local polices such as Policy 1 of the Medstead and Four Marks Neighbourhood Plan and EHDC Local Plan Policy CP19.

(Officer Note: The development proposal is for the conversion of the existing building with external alterations, not a replacement building requiring the full demolition of the existing building. Also, the Council's Environmental Health Contamination Officer has reviewed the proposal and raised no objection, subject to conditions. Lastly, this is a prior approval application whereby the determination is against the relevant parts of the General Permitted Development Order and NPPF, not Local Plan or Neighbourhood Plan policies).

## **Representations**

### **0 representation(s) received:**

None received.

## **Determining Issues**

Whether the proposed change of use and works comply with Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, subject to the conditions and criteria therein, namely:

- a) Transport and Highway Impacts of the development
- b) Noise Impacts of the development
- c) Contaminated Risks on the site
- d) Flooding Risks on the site
- e) Location/Siting of the Building
- f) Design and External Appearance of the Building
- g) Provision of adequate natural light in all habitable rooms of the dwellinghouses

## **Planning Considerations**

Permitted development under Class Q comprises 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.*

*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;

**The site/building was solely in use for agricultural purposes on and prior to 20th March 2013.**

“(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;

(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;

**Only one home is proposed, and it would not have a floor area which exceeds 465sqm.**

(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;

**A serperate Class A application was recently determined relating to a agricultural barn building immediately to the north of the application building, with no objection raised to a change of use to a single dwellinghouse and associated external changes. This subsequent proposal would result in one large and one small dwellinghouse on the site. However, the floor area of the dwelling sought under this application would not exceed 100 square metres, nor would there be more than 5 small dwellings on the site.**

(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;

**This would not be exceeded.**

(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;

**This would not be exceeded.**

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

**The supporting application form outlines the site is not subject to an agricultural tenancy.**

(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;

**Not applicable as the site does not relate to an agricultural tenancy.**

(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

**No such development has been carried out.**

(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;

**The building as proposed would not extend beyond the external dimensions of the existing building.**

i) The development under Class Q 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);

## Assessment:

Paragraph 104 of the National Planning Practice Guidance (NPPG) clarifies what works are permitted under Class Q:

*"The right allows either the change of use (a), or the change of use together with reasonably necessary building operations (b).*

*Building works are allowed under the right permitting agricultural buildings to change to residential use. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right."*

The existing building is a single storage relatively small storage structure, with an 'L' shaped footprint comprising of a the larger concrete block external walls and corrugated dual pitched roof part of the building with an attached flat roof section, which also has a concrete block construction. The building's elevations would be covered in larch cladding on all sides, with a replacement zinc roof, a series of new doorway and window openings.

These buildings operations are considered to be reasonably necessary to allow the building to function as a dwelling house, providing a good standard of amenity to the occupants of the building. The operations would not enlarge the fabric of the building and are considered to be reasonable to carry out the change of use and other building works.

The existing building is considered to be suitable for conversion to a residential use and the building operations proposed fall within those allowed works. The proposed dwelling would have a relatively modest floor space at around 70 square metres (internal), however, the submitted floor plans demonstrate space for a two bedroom dwellinghouse, with all the necessary amenities and outside garden space. The floor space also accords with the Government's Space Standards for two bedroom single storey dwellinghouse.

In terms of the change of use of the agricultural building and the criteria within class Q, no objection has been received from the Local Highway Authority, the Environmental Health (Contamination) team, and the Council's Drainage Consultant. Furthermore, the site is located in a largely rural location, with a proposed use sympathetic to the character and nature of the area, with residential properties either side of the building. The change of use is not considered to result in any undue noise impacts to the area of occupants of the neighbouring and surrounding properties.

The building is situated outside a settlement policy boundary, but close by to existing built for and residential properties, set back from the road, whereby the location / siting of the building is considered suitable for its intended use as a single dwellinghouse.

The building's form and overall size remain unchanged, but the development would see the introduction of larch cladding to the building's elevations and a new metal zinc roof. The new roof covering would not be entirely different in appearance to the existing metal roof and although the new larch cladding to the external elevations would differ from the existing silver metal cladding, the larch is considered to be a sympathetic and appropriate choice of material for the largely rural area.

Lastly, the development details new openings that would provide adequate natural light to all those proposed habitable rooms of the dwellinghouse.

### **Response to Parish Council Comments**

Four Marks Parish Council raised an objection to the proposal, on the basis the proposed design is not in keeping with its countryside location and whether the demolition and subsequent development of the site may give rise to contamination issues. Firstly, the Council's Environmental Health Team have reviewed the proposal and raised no objection in terms of contamination, subject to conditions requiring survey work and potential remedial work if required. Secondly, the building's scale and design is largely fixed by its present form and location on the site. The changes would see a change in the building's external appearance, with a new metal roof covering and larch cladding to the external elevations. These changes are considered to be in-keeping with the rural character of the area and an improvement on the building's existing appearance.

### **Conclusion**

The proposed change of use, on the basis of the information provided, complies with the relevant criteria as set out in Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and therefore the development would be permitted development. No objections are raised to the prior approval, subject to conditions.

### **RECOMMENDATION**

**PRIOR APPROVAL IS REQUIRED AND APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and particulars:

Application Form

Location Plan

Drg. 170A\_1101A - Existing Plans

Drg. 170A\_1102A - Proposed Plans

Reason - To ensure provision of a satisfactory development.



- 2 Before the development hereby permitted is occupied, provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.

Reason - To make provision for off street parking for the purpose of highway safety.

- 3 **No development shall commence on site until** the following details have been submitted to, and approved in writing by, the Local Planning Authority:-

(a) a scheme outlining a site investigation and risk assessments designed to assess the nature and extent of any contamination on the site.

(b) a written report of the findings which includes, a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all pollutant linkages and unless otherwise agreed in writing by the Local Planning Authority and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site.

and (unless otherwise first agreed in writing by the Local Planning Authority)

(c) a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the continued monitoring of identified pollutant linkages.

The above reports should be completed by a competent person, as stipulated in the National Planning Policy Framework, Annex 2, and site works should be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and BS10175:2011 Investigation of potentially contaminated sites - Code of practice.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite. It is considered necessary for this to be a pre-commencement condition as these details need to be agreed prior to the construction of the development and thus go to the heart of the planning permission.

- 4 **Before any part of the development is first occupied or brought into use** (unless otherwise first agreed in writing by the Local Planning Authority) a verification report demonstrating the effectiveness of the remediation works carried out and a completion certificate confirming that the approved remediation scheme has been implemented in full shall both have been submitted to and approved in writing by the Local Planning Authority.

The verification report and completion certificate shall be submitted in accordance with the approved scheme and undertaken by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 5 No development shall commence on site until details of a scheme for foul and surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority. Such details should include provision for all surface water drainage from parking areas and areas of hardstanding to prevent surface water from discharging onto the highway and should be based on site investigation and percolation tests. The development shall be carried out in accordance with the approved details before any part of the development is first occupied and shall be retained thereafter.

Reason - To ensure adequate provision for drainage. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

Note: The applicant is requested to contact the Council's Drainage Consultant as soon as possible to discuss the details required for the discharge of the above condition.

### **Informative Notes to Applicant:**

1. All development shall be stopped immediately in the event that contamination not previously identified is found to be present on the development site and details of the contamination shall be reported immediately in writing to **Environmental Health**. An investigation and risk assessment should then be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings, to include a remediation statement, should then be forwarded to the Local Planning Authority for appraisal. Following completion of remedial measures a verification report should be prepared that demonstrates the effectiveness of the remediation carried out. It is recommended that no part of the development be occupied until all remedial and validation works are complete and a Completion Certificate has been issued. This would ensure that no future investigation is required under Part2A of the Environmental Protection Act 1990.

2. In accordance with paragraphs 38 and 39 of the NPPF East Hampshire District Council (EHDC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
- offering a pre-application advice service,
  - updating applicant/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance, the application was acceptable as submitted and no further assistance was required.

3. Bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2019 and birds nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). All work must stop immediately if evidence of bat or nesting bird presence (e.g. droppings, bat carcasses or insect remains, recent nesting materials), are encountered at any point during building demolition. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.
4. The proposed development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (as amended)

In accordance with CIL Regulation 65, East Hampshire District Council will issue a Liability Notice in respect of the chargeable development referred to in this planning permission as soon as practicable after the day on which planning permission first permits development. Further details on the Council's CIL process can be found on the East Hampshire District Council website:

<https://cdn.easthants.gov.uk/public/documents/Infrastructure%20Funding%20Statement%20IFS%202021.pdf>

**The following plans and specifications were considered when making the above decision:**

Application Form

Location Plan

Drg. 170A\_1101A - Existing Plans

Drg. 170A\_1102A - Proposed Plans

Any variation or departure from the approved plans will require the prior approval of the Planning Authority before works commence.