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Planning Statement

Highlander Farm, Wheatcroft, Derbyshire, DE4 5GU

Change of use and conversion of the agricultural building to form 3 dwellings (Use Class C3)

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Document Control Sheet

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1 Introduction

1.1 Planning & Design Practice is a multidisciplinary practice consisting of chartered town planners, architects and heritage specialists. The practice operates across England and Wales and has an exemplary track record of submitting successful planning applications and in facilitating sustainable development.

1.2 The proposal has been appraised in accordance with The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 as amended on 21st May 2024 for the change of use and conversion of the agricultural building to form 3 dwellings (Use Class C3) at Highlander Farm, Wheatcroft, Derbyshire, DE4 5GU.

1.3 Class Q (a) of the above Order grants permitted development rights for the change of use of agricultural buildings and any land within their curtilage to dwellinghouses falling within Class C3 of the Use Classes Order. Class Q (c) allows any building operations reasonably necessary to convert agricultural buildings to dwellings.

1.4 Class Q requires that for proposals relating to the change of use of an agricultural building and its curtilage to dwellinghouse(s), a determination should be made as to whether the prior approval of the local planning authority will be required for the following:

a) Transport and highway impacts of the development;

b) Noise impacts of the development;

c) Risk of contamination;

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 dwellinghouses;

f) The design or external appearance of the building; and

g) The provision of adequate natural light in all habitable rooms.

2 Site Description and Planning History

Site Location

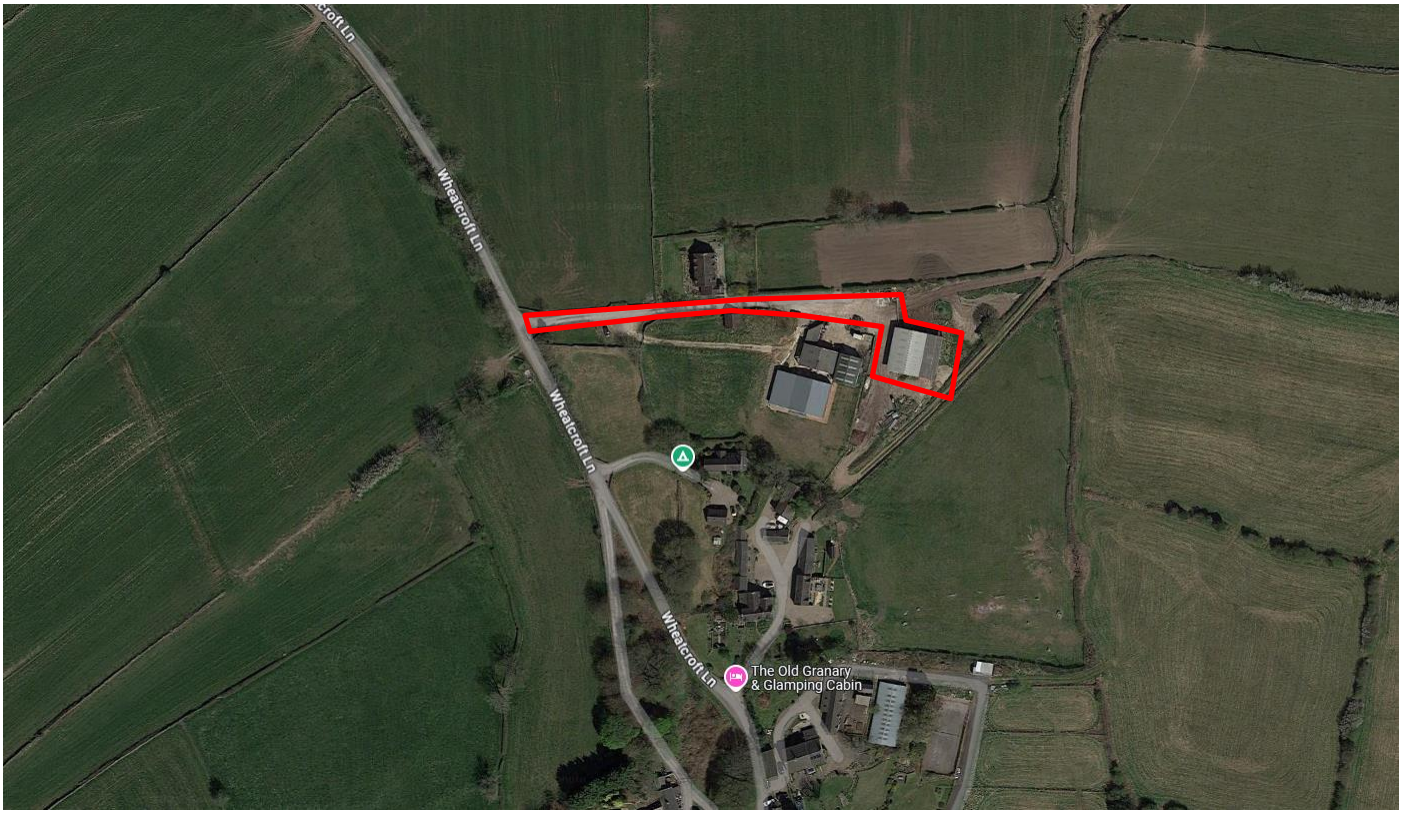

Figure 1: Aerial view of the site (edged in red)

2.1 The site is located to the north of Wheatcroft in the Amber Valley Borough. The site is accessed from a gravel track to the west of the site from Wheatcroft Lane. The agricultural building is located to the east of the farmstead adjacent to an agricultural workshop and a Class Q converted dwelling. The building is a steel framed portal building built as a cattle shed. The walls are clad in vertical timber with the bases of the walls being formed from precast concrete planks. The building is in good condition, both inside and out and sits on an area of compacted hard standing. It is well enclosed on 3 sides and largely open on the front (west elevation). The site is has a mostly flat topography but is set high above a valley with a steep drop behind the barn down to a Public Right of Way (Crich FP 32).

2.2 The site forms part of an established agricultural holding, identified as Holding No. 09/157/0026 with SBI number 106295568. The farm was purchased in 1991 and has since been managed as a traditional livestock operation, supporting a herd of suckler cows with a pedigree Hereford bull sire. The holding operates under a Sustainable Farming Incentive agreement with DEFRA for low input grassland, reflecting

a commitment to environmentally responsible agricultural practices. Store cattle are sold annually at Bakewell Market, and the holding is a member of both the National Farmers Union (NFU) and the Country Land and Business Association (CLA).



Figure 2: Images of the agricultural building

2.3 To the east of the site, Crich Footpath 32 is a public right of way running from north east to south west. This would be unaffected by the proposed development.

2.4 The site is located within Flood Zone 1, meaning it is at the lowest risk of flooding. Therefore, it is unlikely that the site is at risk of surface water and fluvial flooding and the proposals will not increase flood risk elsewhere.

2.5 There is a Grade II listed building to the south of the site, Cruck Barn to the North-West of Beech Farmhouse.

Relevant Planning History

2.6 The planning history as listed on the Council's website is set out below:

AVA/2016/1307	Application to Modify Clause 2 of S106 Planning Obligation dated 15th June 1993 from AVA/1291/1307 (to sever Cattle Shed and Adjacent Land from Agricultural Holding)	13th April 2017
AVA/2016/0908	Extension to existing Agricultural Building for Storage of Straw	*Granted - 10th November 2016*
AVA/2016/0002	Steel Framed Portal Building	*Granted - 22nd March 2016*
PDR/2015/0047	Prior Approval of proposed change of use of Agricultural Building to a dwellinghouse	*Granted - 10th November 2015*
PDR/2015/0004	Change of Use from an agricultural building to a dwelling under Class MB(b) of the General Permitted Development Order	*Granted - 5th March 2015*
PDR/2014/0020	Prior Approval of Proposed Change of Use of Agricultural Building to a Dwellinghouse (Use Class	*Granted - 2nd October 2014*

C3), and for Associated Operational Development.

Part MB(a) only.

3 The Proposed Development

3.1 The proposal is for the change of use and conversion of the agricultural building to form 3 dwellings (Use Class C3) with associated building operations reasonably necessary for the building to function as dwellings.

3.2 The proposed plan shows a minimalist design that makes use of the existing cladding of the building. The proposed design retains the rural character that currently exists, ensuring that the dwellings do not appear out of place within the site's rural location.

3.3 The dwellings would have two bedrooms with an ensuite and a family bathroom. Open-plan kitchen/dining/living areas and a storage room are also proposed.

3.4 Windows and doors will be added to the barn, allowing natural light to enter the internal living spaces. The proposals only consist of building operations that are reasonably necessary for the building to function as dwellinghouses. This includes the installation of windows, doors, roofs, and utilities (water, drainage, electricity etc.). The footprint of the existing building would remain unchanged.

4 Assessment against Class Q criteria

4.1 The relevant legislation is Class Q (a) and (c) of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024, amended on May 21st 2024, which establishes the principle of the change of use of an agricultural building to 3 no. dwellings as well as dealing with the operational development matters. There follows an assessment of the proposal against the relevant criteria:

Development is not permitted by Class Q if—

Criteria	Comment
(a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—	The building has been in agricultural use since it was erected in 2016, under planning permission

(i) on 24th July 2023; or *(ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins*	ref. AVA/2016/0002. The building was used for housing suckler cows.
(b) in the case of a site that was (but is no longer) part of an established agricultural unit— *(i) the site was part of an established agricultural unit on 24th July 2023,* *(ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or* *(iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose,*	The site is still a part of an agricultural unit.
(c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,	The application proposes three dwellinghouses with floorspaces of 118.4m^2, 123.4m^2 and 117m^2.
(d) the development under Class Q, together with any previous development under Class	Three dwellinghouses are proposed as part of the application, with a combined floorspace of 358.8

Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in— *(i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or* *(ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,*	m². The existing dwelling on the wider agricultural unit, developed under Class Q (ref: PDR/2015/0047), has a floorspace of 350 m². Therefore, the total cumulative floorspace of the separate dwellinghouses within the agricultural unit would remain within the 10-dwelling and 1,000 m² limit.
(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained	The site is not occupied under an agricultural tenancy agreement.
(f) Less than 1 year before the date development begins an agricultural tenancy over the site has been terminated, and 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	This is not the case.
(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural	This is not the case.

buildings and operations) has been carried out on the established agricultural unit 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, other than— *(i) extension of the building allowed by paragraph Q.1(i);* *(ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i),*	Insulation would be installed in the roof and walls by removing the existing cladding and then reinstating, this would result in protrusions of 200mm. Therefore, the proposed development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building, other than protrusions of up to 0.2 metres to accommodate building operations, as detailed on the proposed plans.
(i) the development under Class Q(b) would result in an extension that— *(i) has more than one storey,* *(ii) is sited anywhere other than to the rear of the existing building,* *(iii) extends beyond the rear wall of the existing building by more than 4 metres,* *(iv) has eaves the height of which exceed the height of the eaves of the existing building,* *(v) is higher than whichever is the lower of—*	The proposed development would not result in any of the listed extensions.

(aa)the highest part of the roof of the existing building, or *(bb)a height of 4 metres above the ground,* *(vi) extends beyond a wall that forms a side or principal elevation of the existing building, or* *(vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—* *(aa)the hard surface was not provided on the land on or before 24th July 2023, or* *(bb)where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,*	
(j) The development under Class Q(c) 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,*	Class Q (c) of the GPDO allows for building works reasonably necessary to convert the buildings to residential use. Paragraph 105 of the National Planning Practice Guidance was updated on 15th June 2018 (ID 13-105-20180615) and clarifies the extent of building works permitted by Class Q (c). It states:

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 (j)(i)*	*"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: Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. 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.*

	For a discussion of the difference between conversions and rebuilding, see for instance the case of Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin). *Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q."* The application is accompanied by a Structural Report produced by TKA Civil and Structural Engineers, which concludes that the building is of permanent and substantial construction and this building is suitable for conversion from a structural viewpoint. The roof is sound, with a straight and level ridge line and no signs of sagging. All steel columns, connections, and bracing are in good condition, as are the timber elements throughout, including cladding, purlins, and structural timbers. The lean-to extension is also structurally sound, with both the timber and steelwork showing no defects. The concrete slab and precast concrete components are in good condition and may serve as a solid base for further work.

	The application is also accompanied by detailed elevational plans setting out the associated building operations which are considered to be reasonably necessary for the building to function as a dwelling, in accordance with Class Q limitations. The proposed development consists of the following operations: • Insertion of new window and door openings. The existing structural frame would remain intact and unaltered throughout the conversion works. The existing external materials consist of sheeted cladding. New openings would be made where appropriate for new windows and doors. The cladding will be temporarily removed to install insulation, resulting in a 200mm extension before the cladding is reinstated. Treatment will be applied to the cladding and roofing materials as needed to maintain their condition. The conversion of the building to form a dwelling will require internal works, including insulation and plaster-boarding to meet building regulations for energy efficiency. The guidance referred to above clarifies that internal works are not prohibited by Class Q. Paragraph Q.1(i) permits the installation or replacement of windows, doors, roofs or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse and

	partial demolition to the extent reasonably necessary to carry out building operations. When having regard to the extent of building operations that are proposed it is considered that the works associated with the change of use would amount to conversion and not rebuild, as examined in the Hibbitt case and are therefore considered to be reasonably necessary for the building to function as a dwellinghouse. The proposal addresses all concerns raised in the previously refused application and complies with the limitations and requirements of Class Q.
(k) The site is on article 2(3) land	The site is not on article 2(3) land (this includes land within a National Park, the Broads, an area of outstanding natural beauty, an area designated as a conservation area, and land within World Heritage Sites).
(l) The site is or forms part of a site of specific scientific interest, a safety hazard area, or military explosives storage area	The site does not form part of a site of special scientific interest, a safety hazard area, or military explosives storage area.
(m) The site is, or contains, a scheduled monument	There is not a scheduled monument on site.
(n) The building is a listed building	The building is not listed.
(o) The existing building, excluding any proposed extension under Class Q(b) but	The Nationally Described Space Standard for a 2-bedroom, 3-person, single-storey dwelling is a

including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issues by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it	minimum GIA of 61m^2. Therefore, the proposed dwellings with GIAs of 118.4m^2, 123.4m^2 and 117m^2 all meet the space standards. The double bedrooms would have a floor area of at least 11.5m^2 and would be at least 2.75m wide. The single bedrooms would have a floor area of at least 7.5m^2 and would be at least 2.15m wide.
(p) The building does not have suitable existing access to a public highway	The site will use an existing agricultural access onto Wheatcroft Lane. This access is suitable and has been used since the agricultural building was erected.

4.2 When having regard to the above, it is considered that the proposed development constitutes permitted development in respect of the criteria within Part Q.1 set within (a) of Class Q of the GPDO.

4.3 In addition to the above, Paragraph Q.2 'Conditions' of the GPDO requires the local planning authority to assess the proposal on the basis of its impacts in terms of transport and highways, noise, contamination, flooding, whether the location or siting of the building make it otherwise impractical or undesirable for the change of use and the design, the external appearance of the building and whether there is adequate natural light in all habitable rooms.

Transport and Highways Impacts

4.4 Paragraph 115 of the NPPF states that *"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*

4.5 The site will use an existing access onto Wheatcroft Lane. Wheatcroft Lane is narrow for large parts but there are informal passing bays including the proposal's access, and the site will not generate a significant number of trips which will also be distributed throughout the day. There is good visibility when entering and exiting the site. No significant highways issues are therefore raised.

Noise Impacts

4.6 The application site and buildings are situated in a relatively tranquil area remote from noise generating uses. The proposed dwelling is sufficiently distant from other residential properties and agricultural uses, avoiding any unacceptable impacts upon the amenities enjoyed by their occupiers.

Contamination Risks

4.7 The building is used for housing cattle and has been used for agricultural purposes since erected 10 years ago. There are no records of contaminated land within the vicinity of the site and as such there appears to be no potential contamination risks to future occupants of the building.

Flood Risk

4.8 The Environment Agency's flood maps show the site as being within Flood Zone 1 where there are no significant or unacceptable risks to residential development from river flooding.

Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwellinghouse

4.9 The application site is located within the open countryside. Most agricultural buildings across the country will not usually be located in or adjacent to settlement boundaries, therefore, it will be difficult for them to meet normal locational sustainability tests.

4.10 Paragraph 108 (ID 13-108-20150305) of the National Planning Practice Guidance states that *"the permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house".*

4.11 Paragraph 109 (ID 13-109-20150305) provides an interpretation of what constitutes impractical or undesirable circumstances for a residential change of use. It confirms that:

"…the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgement. Impractical reflects that the location and siting would "not be sensible or realistic", and undesirable reflects that it would be "harmful or objectionable".

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 right grants 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.

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 on the top of a hill with no road access, power source or other services its conversion is impractical. 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 or chemicals.

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."

4.12 This shows that, although the site is in a rural location, this is not a sufficient reason to refuse prior approval. The site has a safe access to the public highway. The building is remote from any uses incompatible with residential development. There are no hazardous or noisy activities operating on site.

4.13 When having regard to the above, the conversion of the agricultural building to a use falling within Class C3 (dwellinghouse) of the Use Classes Order is not impractical or undesirable.

Design and External Appearance

4.14 Changes to the design and external appearance of the building have been kept to a minimum to retain the character of the building, making use of the existing structure for conversion and maintains existing openings. The General Permitted Development Order is explicit in listing the external alterations that are permitted under Class Q (c) provided they are reasonably necessary for the conversion of the building to 3 no. dwellings. The proposed external works have been designed in accordance with these criteria, to

retain the original fabric in its current position, whilst inserting new windows to the exterior walls to support functionality of the building as a dwelling.

4.15 For the reasons outlined above, the location or siting of the building does not make it impractical or undesirable for it to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Use Classes Order.

The provision of adequate natural light in all habitable rooms

4.16 A number of new windows and doors are proposed, with each habitable room benefitting from at least one glazed opening. As such it is considered that there would be an adequate amount of natural light provided for each habitable room within the dwelling house not to adversely impact on the amenity of future occupants.

5 Conclusions

5.1 Prior Approval is sought for the change of use and conversion of the agricultural building to form a dwelling (Use Class C3) at Highlander Farm, Wheatcroft, Derbyshire DE4 5GU.

5.2 The application is submitted in accordance with The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024. The conversion to residential use does not therefore require planning permission, subject to a number of criteria and conditions.

5.3 The building remains in agricultural use and has been so since it was built in 2016. The building is structurally sound and capable of accommodating the alterations required to facilitate residential conversion. The proposal satisfies the relevant criteria set out in Paragraph Q.1 of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024.

5.4 The proposed conversion would not unacceptably impact upon the safe or efficient use of the highway network, would not give rise to any unacceptable noise impacts, would not increase flood risk and is not at risk from contamination. Residential use is not therefore impractical or undesirable in this location.

5.5 The external alterations to the building in this scheme have been sensitively designed to respect the agricultural character of the existing building and its rural surroundings and consist of the installation of new windows and doors to provide a functional but attractive internal living environment. They are reasonably necessary for the building to function as a dwelling.

5.6 The proposed development therefore constitutes permitted development under Class Q of the General Permitted Development Order.



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