

**APPLICATION FOR PRIOR DETERMINATION NOTIFICATION OF A
PROPOSED CHANGE OF USE OF AGRICULTURAL BUILDINGS TO
A RESIDENTIAL DWELLING**



of **“THE DAIRY”, NORTHWOOD FARM, NORTHWOOD
LANE, HAYLING ISLAND**

by, **Stoke Fruit Farm 77 Havant Road Hayling Island Po11 0pt**
Tel :02392 463475

Date : January 2016



1. INTRODUCTION

1.1 Stoke Fruit Farm is a business farming and managing 2 holdings on Hayling Island, this application relates to Northwood Farm, Northwood Lane, Hayling Island, PO11 0LR

1.2 This property is owned by Mr Simon Wilson, Mrs Annette Petley & Mr Sam Wilson

1.3 The holding extends to some 200 acres and is mainly an arable, sheep and poultry agricultural unit.

1.4 Planning permission is not deemed necessary for the proposed development on the basis that the proposal conforms with the provisions set out in The Town and Country Planning (General Permitted Development) (England) Order 2015.

2. PLANNING POLICY BACKGROUND

2.1 In the 2013 Budget Statement the Government announced its intention to consult on allowing further flexibilities between use classes to support the change of use. Building on the changes introduced in May 2013, a consultation was undertaken on 'Greater flexibilities for change of use' and this included options for amending the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to grant permitted development rights for various situations including rights to assist change of use and the associated physical works from existing buildings used for agricultural purposes to residential use (C3). This has now been consolidated within the Town and Country Planning (General Permitted Development) (England) Order 2015.

2.2 The proposals were put forward to further enhance the Government's key objective of supporting economic growth. The proposals strongly support key Government priorities for making better use of existing buildings, supporting the high street and rural communities and providing new housing.

2.3 March 2012 saw the publication of the Government's National Planning Policy Framework (NPPF). This document replaces all Planning Policy Statements. The document states that there is a presumption in favour of sustainable development.

2.4 Given the Permitted Development Rights which have come into effect on the 6th April 2014, the Government clearly believe that the change of use of agricultural buildings to dwellings is in line with the NPPF and therefore the development it allows is sustainable. The changes allowed under the permitted development will make a strong contribution towards the provision of new homes, reducing some of the pressure for new green field development and allowing under-utilised buildings to be brought back into productive use.

2.5 Planning permission is not deemed necessary on the basis that the proposal conforms to the provisions set out in the Town and Country Planning (General Permitted Development) (England) Order 2015. Class Q allows for 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 (dwelling houses) of the Schedule to the Use Classes Order; and

(b) building operations reasonably necessary to convert the building referred to in paragraph to a use falling within Class C3 (dwellinghouses) of that Schedule.

2.6 The new permitted development provisions do not differentiate between the age, type or condition of any buildings which might be suitable for conversion.

3. THE SITE AND BUILDING

3.1 The proposal relates to the change of use of an existing agricultural building and the land within their curtilage into 1 dwelling house.

3.2 The agricultural unit has been owned by the applicant for many years and is land which has been occupied for the purposes of agriculture on or before the 20th March 2013.

3.3 The agricultural unit consists of approximately 200 acres. The building subject to change of use is used for housing agricultural grain drying machinery as well as general farm storage of crates, drills and apple processing machinery. The unit was formerly a 100 cow dairy unit.

3.4 It is confirmed that the following criteria are also satisfied:

- (a) The building is not on article 2(3) land;
- (b) The site was used for agricultural purposes on and immediately before 20th March 2013;
- (c) The site is not occupied under an agricultural tenancy, nor has one been terminated within the last 12 months.
- (d) The site does not form part of a safety hazard area or military explosives storage area;
- (e) The building is not a listed building or scheduled monument;
- (f) No development utilising other agricultural PD rights has been undertaken on the unit since 20th March 2013.

3.5 The footprint of the existing building which will be utilised for the change of use to dwelling extends to 11.5 metres x 13.5 metres, a total of 155.25m². This is all single story.

4. PRIOR DETERMINATION – CLASS Q(a)

4.1 In accordance with the Order, we request a determination as to whether the prior approval of the LPA is required for the Class MB(a) development in this instance in regard to:

- **Transport** and highways impacts of the development
- **Noise** impacts of the development
- **Contamination** risks on the site
- **Flood risks** on the site
- 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

4.2 Transport

The site is situated with an existing access to the end of an established and adopted highway. Considering an average of six trips per day, it could be deemed that the highways impact of the proposal would be minimal. As the public highway is so close with good visibility, there is unlikely to be a significant detrimental impact following the proposed change of use into a dwelling. Bearing in mind its original use as a dairy would entail more visits including large milk lorries and tractors more frequently use.

4.3 Noise

There is 1 directly neighbouring property known as northwood farmhouse, the distance between this property and the development is some 10 meters. This would not be uncommon in a domestic situation and the neighbouring dwelling should not be adversely affected by any potential noise generated from the proposal given the use as a dwelling.

There will be no adverse impact on any existing residential amenity in the area

4.4 Contamination

There has been no previous use of the site to our knowledge, which would lead to any contamination concerns or issues. Specifically there has never been any landfill or waste disposal on or around the site and given historically the use of the site has been agricultural rather than industrial, the pollution and contamination risk is deemed to be low.

4.5 Flood Risk

The site is not within an identified flood risk zone and there is no history of flooding issues on the site. There will be new drainage facilities installed with will provide adequate foul and drainage and surface water drainage. Any newly created drainage for surface water will ensure that any discharge will not increase the chance of flooding elsewhere.

4.6 Location and Siting

(a) The location and siting of the building does not make it undesirable or impractical to change the use as it is effectively located in the vicinity of other dwellings.

(b) There is a potential curtilage area associated with the building which is appropriate to create amenity space for the dwelling created.

(c) The existing access will be utilised to service the new dwelling.

(d) The improvement to the external appearance of the buildings will be of benefit in terms of visual impact on the north elevation, rather than leading to any significant detrimental impact and will consist of a single storey with use of timber cladding and slate roof. The south and west elevations will benefit from a rejuvenating coat of paint as well as improved windows and doors.

(e) The building will benefit from a renovation as well as being put to a sustainable use which will add protection to this characteristic building for the foreseeable future.

(f) The "atcost concrete barn" barn to the east of the site is currently immediately adjacent to the building for conversion. This is to be separated by demolition of approx 4.5m of the "atcost concrete barn". This barn is only used for the storage of crop mainly peas and would not pose any risk or nuisance to the dwelling.

Planning Practice Guidance issued 5 March 2015 addresses the issue of impractical or undesirable locations as follows:-

"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 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 is 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 NPPF except to the extent these are relevant to the subject matter of the prior approval."

The dwelling proposed is reasonable for the location and will not over develop the site. Indeed it is ideally situated for residential use.

5. PRIOR DETERMINATION – CLASS Q(b)

5.1 In addition to the above, we also would like a determination as to whether the prior approval of the LPA is required in relation to the design or external appearance of the building.

5.2 To assist with the determination we enclose the following information: a site location plan which identifies the subject building and the deemed curtilage area; a photo survey is also attach to illustrate the buildings unique characteristics.

5.3 The proposed design would not extend the external dimensions of the building in any direction. It is proposed that the design would follow the general form for the buildings using the existing structure but then with sympathetic use of timber and glass to form the living space.

6. CONCLUSION

6.1 It is deemed that the proposal for the change of use of "The Dairy" building at Northwood Farm, should be considered permitted development, under the Town and County (General Permitted Development) (England) Order 2015.

6.2 The proposed change of use will not lead to any detrimental adverse effects on traffic, flood risk, noise or contamination and the siting and location of the building are deemed to be acceptable for the proposed use.

6.3 A residential scheme can easily be incorporated into the existing fabric/structure with new walls and roof element where necessary within the allowances under the GPDO

As a farm We hope that this building can be brought to a more suitable use which will be sustainable in the future of the farm. A dwelling would mean the building would be put to a good use and funds would be available to maintain the building to a high standard as well as keeping the character of the farmyard. It is intended in the farms business plan to keep ownership of the dwelling and let it on an ast or holiday accommodation.

