

Application Number 07/2020/00343/APD

Address Ribble Kirn Farm
Skip Lane
Hutton
Lancashire
PR4 5LD

Applicant Mr Jon Hesketh

Agent

Mr Lee Fenton

Carrfield
Ingol Lane
Hambleton
FY6 9BJ

Development Change of use of 1no agricultural building to dwelling

Officer Recommendation **Prior approval not required**
Officer Name **Mrs Linda Ashcroft**

Date application valid 09.04.2020
Target Determination Date 04.06.2020
Extension of Time



1. Introduction

1.1 This application is being brought before the Planning Committee as the applicant is related to an Elected Member.

2. Report Summary

2.1 This application is for a determination under Class Q of the town and Country Planning (General Permitted Development) Order 1995 for the change of use of an agricultural building into a dwelling.

2.2 The agricultural building is set within a cluster of other agricultural buildings and the Farmhouse.

2.3 The site is situated within a rural area which is washed over by Green Belt land.

2.4 It is considered that the proposal accords to the relevant requisites of Class Q of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended 2015) and as such prior approval is not required

3 Site History

3.1 There is no planning history relating to this site.

4 Proposal

4.1 The proposal is an application for determination under Class Q of the Town and Country Planning (General Permitted Development) Order 1995 (the 'order') – (As Amended) 2015. This legislation gives Local Planning Authorities 56 days to consider if the siting, impact in specific terms and design of a particular proposal are acceptable but does not allow for consideration of the full implications of the development as would be the case with an application for planning permission.

4.2 The application relates to a change of use and conversion of an existing agricultural building to a residential dwelling.

4.3 The existing block walls are to be painted and the existing timber/tin cladding is to be renewed. The existing outer roof cladding will be replaced with corrugated zinc sheeting

4.4 Additional windows and door openings are proposed with some doors being replaced by windows/bi-folding-doors. A number of roof lights are also proposed.

4.5 Internal walls are to be erected to create useable rooms to create a three bed dwelling.

5 Representations

5.1 Summary of Publicity

5.1.1 Three neighbouring properties have been notified on the application.

5.1.2 Due to the current COVID-19 (Coronavirus) and Government imposed restrictions on travel, a site notice has not been posted.

5.2 Representations

5.2.1 No neighbour representations have been received.

6 Consultation Responses

- 6.1 The Environment Agency have reviewed the submitted Flood Risk Assessment and have raised objection to the proposed development on flood risk grounds, due to the absence of an adequate flood risk assessment.
- 6.2 A revised FRA has been submitted and reviewed by the Environment Agency and are now satisfied that the development would be safe without exacerbating flood risk elsewhere and have therefore removed their objection.
- 6.3 Environmental Health have raised no objection but have requested a number of conditions relating to burning, hours of construction, contaminated land and electrical vehicle recharge point.
- 6.4 As this is an application to determine if prior approval is required, only those conditions which are reasonably related to the subject matter can be included. A condition requiring the provision of an electrical vehicle recharge point is considered to be reasonable.
- 6.5 Lancashire County Council Highways is of the opinion that size and nature of the proposal would not have a severe impact on highway safety or capacity within the immediate vicinity of the site.
- 6.6 The proposed development will utilise an existing acceptable access onto Skip Lane. Lancashire County Councils five year data base for Personal Injury Accident (PIA) has been reviewed which indicates there have been no recorded incidents within the vicinity of the site.
- 6.7 LCC Highways has therefore no objections to the application.

7 Material Considerations

- 7.1 The proposal is an application for determination under Class Q of the Town and Country Planning (General Permitted Development) Order 1995 (the 'order') – (As Amended) 2015. Class Q allows the following development to be undertaken as permitted development:
- 7.2 *“a) a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and
b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.”*
- 7.3 Caveats attached to this permitted development are as follows:

a) The site (building) has been used solely for agriculture as part of an established agricultural unit since the 20th March 2013 – The building is clearly visible on aerial photographs from 2000. There are no records of planning permission ever being sought for the building or the site as a whole. No extensions are proposed to the building, however a portion of the building used as a farm office is to be removed. The site is deemed to accord with this caveat of the Class Q permitted development legislation.

- b) The cumulative floorspace of the existing building or building changing use do not exceed 450sq m** – The cumulative floor area of the proposed converted building is 131sq m.
- c) The proposed development does not result in more than 3 residential units on site under Class Q** – *The proposal is for 1 residential unit.*
- d) The site is not occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant have been obtained** – The site is not occupied under an agricultural tenancy agreement.
- e) Less than 1 year before the development begins the agricultural tenancy over the site has been terminated** – It has not.
- f) Existing permitted development rights to build a new agricultural building must not have been used since the 20th March 2013, and that this permission would remove such rights for 10 years** – There have been no applications for this site.
- g) The development does not result in external dimensions of the building extending beyond the external dimensions of the existing building at any given point** – No additional footprint is proposed and an existing attached office building is to be demolished.
- h) The cumulative floorspace of all development approved and built under Class Q on the site not exceed 450sq m** – The floor area of the converted building under Class Q is 131sq m.
- i) The development does not result in work other than the installation or replacement of windows, doors, roofs, exterior walls or utilities** - It does not.
- j) The siting of the property is not within Article 2(3) land** – It is not.
- k) The siting of the property is not within a site of special scientific interest, a safety hazard area or a military explosives area** – It is not.
- l) The site does not contain a scheduled monument** – It does not.
- m) The building is not a listed building** – It is not.

That the Local Authority also must consider transport/highways, noise impact, contamination, flood risk, design and practicality of location – The site falls within Flood Zone 2 and 3 and therefore a Flood Risk Assessment (FRA) has been submitted. The Environment Agency initially objected but following the submission of an adequate FRA, the Environment Agency withdrew their objection.

- 7.4 The proposed development would utilise the existing access onto Grange Lane. The site is the last property on this stretch of Skip Lane and therefore there will be limited passing traffic. Lancashire County Council Highways have raised no objection.
- 7.5 The design of the proposed dwelling is considered to be acceptable and given the spatial separation to the nearest neighbouring property some 123m to the south east, the proposal is not considered to have an undue impact on residential amenity.
- 7.6 In regard to the above and as part of the submission the agent, acting on behalf of the application has completed the legal declaration on the application confirming that all submitted information is a true and accurate reflection of the facts.

8 Conclusion

- 8.1 This proposal accords to the relevant requisites of Class Q of the Town and Country Planning (General Permitted Development) Order 1995 – as amended 2015 (statutory instrument 596, and as such prior approval is not required.

RECOMMENDATION:

Prior approval not required.

RECOMMENDED CONDITIONS:

1. An electric vehicle recharge point shall be provided to the property, prior to occupation. This shall consist of as a minimum a 7Kwh electrical socket located externally (or in the garage if available) in such a position that a 3 metre cable will reach the designated car parking spaces. A switch shall be provided internally to allow the power to be turned off by the residents.

Reason: To enable and encourage the use of alternative fuel use for transport purposes in accordance with Policy 3 of the Central Lancashire Core Strategy.

Note to applicant: The electrical charging point shall be fitted with a weather proof cover.

RELEVANT POLICY

Note: