MINOR DEVELOPMENT PLANNING APPLICATION REPORT REF. NO. J/16/79333

DESCRIPTION/ ADDRESS	Prior approval application for conversion of agricultural barn to dwellinghouse Dodwell Farm Pylands Lane Bursledon Southampton SO31 1BH

SITE VISIT DATE				
ARE PLANS ACCURATE?	x	Yes		No. If not why not…….
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?		Yes		A site notice was erect adjacent to the site in accordance with W.(8)a

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	Prior approval is sought for the proposal to change the use of agricultural buildings at Dodwell Farm to a dwellinghouses (use Class C3).					
SITE AREA	N/A					
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A					
TOPOGRAPHY	x	Level		Sloping …..		Other …
TREES	x	No		Yes, …..		
BOUNDARY TREATMENT		N/A				
SITE CHARACTERISTICS	The site forms part of an agricultural holding. The outbuildings that are the subject of this application are located to the north boundary of the site. The site spreads from this corner to the south east, including an existing two storey residential dwelling to the southwest.					
CHARACTER OF LOCALITY	The site and the land to the south east are predominately agricultural use in character. To the north of the site the use in predominately residential in character.					

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
	N/A	

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	No letters of representation have been received from the public

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Burseldon Parish Council	No representation received

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Highway Engineers	No representation has been received
Head of Environmental Health	No objection subject to conditions that secure the investigation of contaminated land on the site.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Local Gap

DEVELOPMENT PLAN SAVED POLICIES, EMERGING LOCAL PLAN POLICIES AND SPD'S

N/A

CHARACTER APPRAISAL AREA

N/A

SPECIAL POLICY AREA

N/A

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework

Part 3 Class Q of the Town and Country Planning (General Permitted Development) Order 2015

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to residential amenity, highway matters, trees, nature conservation, street scene and character of the area

COMMENT ON CONSULTATION RESPONSES

x	See below		Other……

ASSESSMENT OF PROPOSAL

LEGISLATIVE BACKGROUND

Prior approval is sought for the proposal to change the use of agricultural buildings at Dodwell Farm to a dwellinghouses (use Class C3).

Part 3 Class Q of the Town and Country Planning (General Permitted Development) Order 2015 allows the conversion of agricultural buildings to dwellings and the building operations reasonably necessary to convert those buildings subject to provisions listed in Q.1:

Q.1. Development is not permitted by Class Q if—

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LEGISLATIVE BACKGROUND

(a) the site was not used solely for an agricultural use, as part of an established agricultural unit—
(i) on 20th March 2013;

At the time of consideration of the application no representations have been received from the public in response to the site notice required by W.(8)(a).

A representation has been received from the Head of Housing and Environmental Health. The representation states that the application site is located directly within an operational farm, as shown on historical survey mapping.

No evidence has been provided or found to contradict the assumption that the site was solely used for agriculture as part on an established agricultural unit on the 20th March 2013.

(ii) in the case of a building which was in use before that date but was not in use on that date, which it was last in use;

The application (in both the survey report and the Background report) advises that the buildings have not been in use for many years. Section 4 of the application form advises that the barn has not been in use for some 15 years.

(iii) or in the case of a site which was brought into use after 20th March 2013, for a period of as least 10 years before the date development under Class Q begins; **N/A**

(b) the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 450 square metres;

The barn has a footprint under 450 square metres (approximately 203.29 square metres) (Section 4 of the application form advises 181 square metres)

(c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 3;

The proposal would result in 2 dwellings on the site.

(d) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; **No**
(e) less than 1 year before the date development begins—
(i) an agricultural tenancy over the site has been terminated, and **N/A**
(ii) the termination was for the purpose of carrying out development under Class Q, **N/A**
unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use; **N/A**

(f) 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 since

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LEGISLATIVE BACKGROUND

(i) 20th March 2013,
(ii) or 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; **N**/**A**

(g) 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 submitted plans (8935/1 and 8935/2) demonstrate that the building will not extend beyond the existing dimensions of the building.

(h) the development under Class Q (together with any previous development under Class Q) would result in a building or buildings having more than 450 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; **N**/**A**

(i) the development under Class Q(b) 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);

The submitted survey report advises the roof of the stable block has failed and as a result replacement timber will be required in the roof. Furthermore the timer lintels above the windows have decayed and will need to be replaced as will the windows. The floor of the stable block will need to be replaced as will the ceilings within the stable block. The external doors to the stable block will also need to be replaced.

With regard to the barn the Survey advises that a new floor will be required but the structural walls are sound. The support for the roof of the barn is advised as original with additional support already applied.

As such the proposal is considered to comply with the requirements of criteria (i).

(j)the site is on article 2(3) land; **No**
(k)the site is or forms part of—
(i)a site of special scientific interest; **No**
(ii)a safety hazard area; **No**
(iii)a military explosives storage area; **No**
(l)the site is, or contains, a scheduled monument; **No**
(m)the building is a listed building. **No**

Consideration has been given as to whether prior approval would be required as to:

ASSESSMENT OF PROPOSAL

LEGISLATIVE BACKGROUND

(a) Transport and highway impacts

The dwellings would be accessed from the existing farm driveway. As the development is unlikely to result in a material increase in traffic in the vicinity there is no highway concern.

(b) Noise impacts

The site is surrounded by farmland to the south and east The proposal is adjacent to the highway to the north and new residential development is also under construction to the north. As such no material harm to residential amenity is anticipated.

(c) Contamination risks

The Head of Environmental Health has advised:

As the proposed development has the potential to be effected by contaminants in the ground or gases/ vapours associated with the farm, I recommend that the following conditions are imposed:

A) No work shall commence on site until the following has been submitted to, and approved in writing by the Local Planning Authority:

(a) Report of preliminary investigation comprising a Desk Study, Conceptual Site Model and Preliminary Risk Assessment documenting previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Reports Nos. 11CLR11, and BS10175:2011+A1 2013 Investigation of potentially contaminated sitesCode of Practice, and, unless otherwise agreed with the Local Planning Authority;

(b) A report of a site investigation documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the Preliminary Investigation in accordance with BS10175:2011+A1 2013 and BS8576:2013, and, unless otherwise agreed with the Local Planning Authority;

(c) A detailed site specific scheme for remedial works and measures to be undertaken to avoid the risk from contaminants and/or gases when the site is developed and proposals for future maintenance a and monitoring. Such a scheme shall include nomination of a competent person to oversee the implementation of the works.

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B) The development hereby permitted shall not be occupied/brought into use until there has been submitted to the local planning authority verification by the competent person approved under the provisions of the above condition A(c) that any remediation scheme required and approved under the provisions of the above condition A(c) has been implemented in full in accordance with the approved details (unless varied with the written permission of the local planning authority in advance of implementation). Unless agreed in writing with the local planning authority such verification shall comply with the guidance contained in CLR11 and EA guidance for the safe development of housing on land affected by contamination - R&D Publication 66:2008.

Typically such a report would comprise:-

(a) A description of the site and its background, and summary of relevant site information

(b) A description of the remediation objectives and redial works carried out

(c) Verification data including - sample locations/ analytical results, as built drawings of the implemented scheme, photographs of the remediation works in progress, etc

(d) Certificates demonstrating that imported and /or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the approved scheme under condition A(c).

The applicant should be advised that in advance of the commencement of development the condition requires that the assessment be completed and approved. Also that as a result of the assessment, amendments to the design of building structures may be required, further that adequate provision of time needs to be made so the assessment can be completed before works commence on site.

However, the Submitted background report advises that the 'barn and Stable Building have been un used for some years and from a study of the building it is unlikely that contaminants within the ground of use of buildings will affect its intended use.

From the site visit it does appear that the outbuilding have seen little employment in for some time. As such informative notes will be added to the

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decision notice that will advise the applicant to make appropriate surveys of the land.

(d) Flooding risks

The site lies within Flood Zone 1 so there is no risk of flooding.

(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 (dwellinghouse) of the Schedule to the Use Classes Order.

Planning Practice Guidance on this matter reads 'Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would "not be sensible or realistic", and undesirable reflects that it would be "harmful or objectionable".' Such circumstances might include 'if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.'

The separation from source of nuisance and disturbance makes the setting acceptable.

OTHER MATERIAL CONSIDERATIONS

Reference needs to be made to the submitted Eastleigh Borough Local plan 2011-2029 July 2014. However, very little weight can be given to these policies as, although the Submission Local Plan has not been formally withdrawn, the Council has confirmed that it has decided to prepare a new local plan which will cover the period up to 2036. With regard to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

CONCLUSIONS

The conversion of the barn would comply with the requirements of Part 3, Class Q.

It is deemed that prior approval is not required.