

Development Management

Eastleigh Borough Council,
Eastleigh House,
Upper Market Street,
Eastleigh,
SO50 9YN

6th December 2024

Dear Sir/Madam,

Cockpit Farm Barn, Knowle Lane, Horton Heath

On behalf of my client, Alderbury Homes Limited, I enclose a prior approval application for the change of use of an existing agricultural building to residential use together with associated building operations reasonably necessary to convert the building, under Class Q(c) of the GPDO 2015 (as amended). This letter supports this submission and demonstrates compliance with the conditions and limitations of the Order.

In addition to this letter, the submission is also accompanied by the following supporting documentation:

- Application form
- Site Location Plan
- Proposed Plans and Elevations plots 1-4 and 5-8, drawing ref: FP100
- Site Layout Plan, drawing ref: SL100
- Highways Technical Note
- Building Condition Report
- Desk Study Report (Contamination)
- Flood Map for Planning Report

Description of Development

The proposal relates to the change of use of an existing building and the land within its curtilage to eight (8) dwellinghouses following partial demolition.

Site and Location

The site is an agricultural unit bounded to the north and east by residential development, and by agricultural land to the south and west. The settlement of Horton Heath is located in close proximity to the south of the site.

There are three existing accesses onto Knowle Lane.

Planning Assessment

The proposal relates to the change of use of an agricultural building and the land within its curtilage into eight (8) dwellinghouses. For the proposed development to be permitted it must comply with the provisions set out in the Town and Country Planning (General Permitted Development) Order 2015 (as amended), in particular Part 3, Class Q and the associated prior notification procedure at paragraph W.

In order to determine whether or not the proposal would be permitted development, the following steps are to be followed:

- To determine if any previous planning permissions imposed planning conditions preventing the proposal;
- To determine whether there are any Article 4 Directions covering the site;
- To establish whether or not the proposed development complies with the Town and Country Planning (General Permitted Development) Order 2015 (as amended), Article 3, Schedule 2, Part 3, Class Q.

There are no conditions on any planning permission for this site that would prevent the proposal. There are no Article 4 Directions.

Limitations

Q. Development is permitted where it consists of -

(a) *a change of use of—*

- (i) *a building that is part of an established agricultural unit and any land within that building's curtilage, or*
- (ii) *a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage,*

to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

- (b) *development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or*
- (c) *development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.*

This application seeks approval under Class Q(c).

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

- (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—*

- (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,

The application relates to a former agricultural building no longer on an established agricultural unit and as such the assessment under Q.1(a) is not relevant to this application.

(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 application site comprises a former agricultural building that ceased to be part of an established agricultural unit before 24th July 2023. There have been no intervening uses since the agricultural use ceased. It therefore satisfies criterion Q.1(b)(i) and Q.1(b)(iii), and Q.1(b)(ii) is not relevant.

(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 floorspace of every dwellinghouse proposed to be developed under Class Q will be less than 150sq.m as shown on the planning drawings.

- (d) the development under Class Q, together with any previous development under Class 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,

The total number of dwellings proposed under Class Q is eight (8) and the total cumulative floorspace of every dwellinghouse to be developed under Class Q will be less than 1,000sq.m as shown on the planning drawings.

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

The site is not occupied under an agricultural tenancy, as such neither criteria (e) or (f) are relevant to the current application.

- (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 during the period which is 10 years before the date development under Class Q begins,

No development under either Class A(a) or Class B(a) has been carried out on the agricultural unit in the 10 years prior to the date of this application.

- (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),

The proposed works will see the existing barn insulated and the exterior will be clad in timber. There will be no protrusions greater than 0.2m as shown on the planning drawings.

- (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—
 - (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,

The proposal does not include any extensions.

- (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,
 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 extent of building operations is within the scope of criterion (j)(i) comprising only that which is reasonably necessary for the building to function as a dwellinghouse. The proposal includes the partial demolition of the existing barn through the removal bays, which in line with criterion (j)(ii) is considered reasonably necessary to

carry out the building operations allowed by Q.1(j)(i). The application is accompanied by a structural report that confirms that the retained parts of the building are capable of conversion.

- (k) the site is on article 2(3) land,
- (l) the site is, or forms part of—
 - (i) a site of special scientific interest;
 - (ii) a safety hazard area;
 - (iii) a military explosives storage area,
- (m) the site is, or contains, a scheduled monument,
- (n) the building is a listed building,

Criteria (k) - (n) are not applicable to this site.

- (o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued 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, or

The planning drawings demonstrate that the proposed dwellings comply with the nationally described space standards.

- (p) the building does not have suitable existing access to a public highway.

Cockpit Farm Barn is served by three established vehicle accesses directly on to Knowle Lane. The proposal is supported by a highways technical note that confirms that the central existing access is suitable for the development proposed. The northern and southern accesses would be closed.

Conditions

Where the development proposed is development under Class Q(a) together with development under Class Q(c), development is permitted subject to the conditions at Q.2 that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (g) inclusive and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

- (a) transport and highways impacts of the development,

This application is accompanied by a Technical Note prepared by Nick Culhane Highways Consultant. This demonstrates that the existing access is satisfactory to accommodate the proposed development, with adequate parking on site to meet the needs of the development. The northern and south accesses would be closed offering an improvement to highway safety. Overall, the conclusion is that the development would not have an unacceptable impact on highway safety, nor would the cumulative impact be severe (paragraph 115 of the NPPF). The change of use is therefore considered to be acceptable from a highway point of view.

(b) noise impacts of the development,

The application site is located in a residential context on the edge of the settlement of Horton Heath. The proposed use will not result in noise impacts that are greater than the existing activities that could take place on the site. Therefore, the proposal can be accommodated without having any unacceptable noise impacts.

The existing barn building is uninsulated. The proposed dwellinghouses will be appropriately insulated to ensure that the internal noise and thermal environment is acceptable, including appropriate sound insulation in party walls to meet building regulations.

(c) Contamination risks on the site,

The proposal for the site is for the conversion of the existing barn into residential use and as such, it is assumed that minimal disturbance to the underlying ground is proposed. Accordingly, no plausible pollutant linkages are identified that would impede the proposed change of use or require any intrusive investigation at this stage. However, in accordance with paragraph W(13) the local planning authority may grant prior approval subject to conditions reasonably related to the subject matter of the prior approval. For the avoidance of doubt, the applicant is happy to accept suitably worded conditions requiring assessment of the nature and extent of any contamination and as necessary a scheme of remediation and subsequent verification to be agreed in writing by the Local Planning Authority.

(d) flooding risks on the site,

The site lies entirely within flood zone 1 as identified on the Government's flood map for planning portal. See enclosed report. The site is therefore at the lowest risk of flooding and therefore flood risk is not an issue on this 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 a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order

Following guidance from the NPPG this is not an unsuitable location, and the starting point is the premise that the permitted development rights grant permission subject to prior approval. There are no material factors that would render the building / site impractical or undesirable in the context of the NPPG.

(f) the design or external appearance of the building

The application is accompanied by detailed planning drawings. The proposal adopts a traditional design using an appropriate palette of materials. The design and appearance of the proposed dwellings is considered to be acceptable.

(g) the provision of adequate natural light in all habitable rooms of the dwellinghouse

The planning drawings provided with this submission demonstrate that dwellinghouses, with adequate natural light to all habitable rooms can be accommodated within the existing building. The proposed use and internal

dimensions of each room is identified on the proposed drawings in accordance with paragraph W(2)(bc) of Part 3 Schedule 2 of the General Permitted Development Order 2015 as amended.

Conclusion

This application is submitted under Class Q(c). For the reasons set out in this statement and accompanying plans and documents, it is considered that the proposal complies with the stipulations of Class Q(c) of Part 3 Schedule 2 of the General Permitted Development Order 2015 as amended and it is respectfully requested that approval be granted without delay.

I trust the information provided above is clear. However, should you require any further clarification then please do not hesitate to contact me.

Yours faithfully,

A black rectangular box redacting the signature of Jacob Goodenough.

Jacob Goodenough

Director

Cc. Alderbury Homes Limited

Enc. As above