

Application Number	2024/0289/PAA
Case Officer	Kirsty Black
Site	Field to the South Of Cedarwood House Holcombe Hill Holcombe Shepton Mallet Somerset
Date Validated	14 February 2024
Applicant/ Organisation	J Barter John Barter Transport (South West) Ltd
Application Type	Prior App CoU Agricult. to Residential
Proposal	Change of use of an agricultural building to a 1no dwellinghouse (Use Class C3) under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This includes associated operational development.
Division	Mendip Hills Division
Parish	Holcombe Parish Council
Recommendation	Prior Approval Refused
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

What3words: Grid.nightcap.

### **Scheme of Delegation**

This application is to be presented at Planning Committee in the interests of probity as the planning agent is an employee of Somerset Council.

### **Background & Description**

This application relates to an isolated agricultural building lying within a field, approximately 0.4 hectares in area, to the southwest of a residential property Cedarwood House and is sited west of Holcombe Hill in Holcombe. It lies within Bat Consultation Zone Mells Valley and there is a public right of way (PROW) that runs over the existing access (public footpath SM 12/20).

The building is single storey structure that is without a solid cement floor but has an earthen floor present throughout the building. It is a lightweight structure of profiled metal sheeting clad walls and roof secured on a steel portal frame. The metal sheeting does not extend fully to the base of the structure and the building has a large open doorway to the front elevation. The structure has a footprint measuring 14 m by 9.2 metres and stands to a

maximum of 5.3 metres tall. It is accessed via field gates and a gravel track directly from Holcombe Hill.

The application seeks the change of use of the entirety of the agricultural building to 1no. larger dwellinghouse under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Part 3, Class Q (a) and (b). The development involves conversion of the single storey building into a two storey residential dwelling with associated parking.

Given that the application is not a planning application, the report format as set out below has been drafted to consider if the scope of works proposed would be permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Part 3, Class Q.

### **Planning History**

None

### **Summary of representation and Consultee Comments**

**Divisional Member:** No response received.

**Parish Council:** Recommends refusal on the basis that the proposed development lies outside of the village development line and the proposed entrance could represent a safety hazard to road users.

**SCC Ecology:** No comments made.

**Environmental Protection:** No objection to the proposal.

**Rights of Way Officer:** Raise no objections to the proposal but recommend the attachment of an informative relating to the need to permit public use of a footpath until orders for its diversion are undertaken.

**SCC Highways:** Standing Advice Applies.

**Local Representation:** Two local representations received objecting to the proposal on the following grounds:

Impact on public footpath that runs close to the existing structure.

The poor condition of some of the steel stanchions and the corrugated steel to the rear of the structure is warped and damaged.

Lack of adequate natural light to the 4 ground floor rooms.

Impact on existing trees from adjacent ancient woodland. Currently trees touch the existing structure and felling healthy trees cannot be considered acceptable. The proposal to convert this structure has all the hallmarks of a rebuild rather than a conversion.

Full details of all consultation responses can be found on the Council's website [www.mendip.gov.uk](http://www.mendip.gov.uk) Information submitted with the application.

### **Policy Context and Material Considerations**

- o National Planning Policy Framework (NPPF)
- o Planning Practice Guidance (PPG)
- o The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Part 3, Class Q, W and X (where relevant) (GPDO)
- o Somerset County Council Highways Development Control Standing Advice (June 2017)

### **Assessment of Proposal**

This application is for the change of use of an agricultural building to form one 'larger' dwellinghouse (Use Class C3), and associated operational development, under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class Q.

Class Q relates to 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 (dwellinghouses) of the Schedule to the Use Classes Order; or*

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

### **Is development permitted?**

Under Class Q1 (a) the legislation sets out a number of criteria from (a) to (m) that need to be assessed in order for this proposal to be considered and classified as being permitted development. Following assessment of the application against this criteria it is confirmed that the proposal complies with the above section of the legislation except the requirements under Q1 (i)

Provision under Class Q1i) conversion of a building to residential if they comply with the following:

Development would comprise only of installation of windows, doors, roofs or exterior walls (aa) or the installation of water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse (bb) and to undertake partial demolition.

Class Q allows for the “*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)*” [edit] “*together with building operations reasonably necessary to **convert** the building...*’ [emphasis added].

The proposal seeks the conversion of the existing single storey and lightweight storage barn. It involves the creation of a residential dwelling using a structure that simply comprises metal sheeting and a steel frame and does not benefit from having either solid block walls or a solid concrete internal floor. The metal sheeting used to enclose the three complete sides of the building are not fully grounded

A visual structural report submitted with the application confirms in its conclusion and findings that assumptions based on external finishes and materials being light weight have been made and that there maybe the case for a more rigid and load bearing walls to be constructed. It is noted that the conversion seeks to create living accommodation on two floors not one and thus the degree of modifications that may be required to cope with an additional floor including the grounding of the walling, and the additional construction of rigid frames given the existing composition and appearance of the structure cannot be undertaken without adding to the structural integrity of the building as existing.

Taking into account the scope of the works proposed, the evidence presented and the character and composition of the building as it stands at present, it is not possible to conclude that the conversion can be undertaken without being considered to go beyond what could reasonably be considered as a “conversion”. It is therefore considered that the proposed works are of such a magnitude that they go beyond that considered acceptable under Class Q.1(i). Overall given the works required to convert the barn, the proposal is not considered compliant with the above section of the legislation and would effectively amount to a ‘fresh build’.

### **Is Prior approval required**

The second part of the assessment criteria involves consideration of the transport and highways impacts, potential noise, risk of contamination, flooding risks and consideration of whether the location or siting of the building makes it impractical or undesirable for the

building to change from agricultural use to a use falling within Class C3 dwellinghouses).

Having considered the requirements and impacts of the proposed development using the above criteria, the proposal is considered not to give rise to any unacceptable harm.

### **Environmental Impact Assessment**

This development is not considered to require an Environmental Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Human Rights Act 1998 The Human Rights Act 1998 came into force on 2nd October 2000.

It requires all public authorities to act in a way which is compatible with the European Convention on Human Rights. This report has been prepared in light of the Council's obligations under the Act with regard to decisions to be informed by the principles of fair balance and non-discrimination.

### **Conclusion:**

To conclude the proposed conversion cannot be undertaken without going beyond what could reasonably be considered as a "conversion" and that the proposed works required go beyond the provisions acceptable under Class Q.1(i). Overall given the works required to convert the barn, is not considered to be compliant with the above section of the legislation and would effectively amount to a 'fresh build'.

As the proposal is not compliant with the conditions, limitations and restrictions of Part 3, Class Q of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 and the guidance contained within the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), therefore, it cannot be considered as permitted development as described by the Class Q provisions.

### **Recommendation**

Prior Approval Refused

1. In the view of the Local Planning Authority the proposed change of use by virtue of the amount of building operations proposed, is of such a magnitude that it goes beyond what can reasonably be described as a conversion. It is therefore considered that the scheme is not considered to be a conversion in accordance with the Planning Practice Guidance. As such the proposal does not comply with Part 3, Class Q of the Town and Country Planning (General Permitted Development)

(England) Order 2015 (as amended).

## **Informatives**

1. This decision relates to the following drawings: 2501/01A LOCATION & EXISTING BLOCK PLAN, 2501/02 EXISTING GROUND FLOOR PLAN, 2501/04 EXISTING ELEVATIONS, 2501/05A PROPOSED BLOCK PLAN, 2501/06 PROPOSED GROUND FLOOR PLAN, 2501/07 PROPOSED ROOF SPACE PLAN and 2501/09 PROPOSED ELEVATIONS. All received on 13th of February 2024

