

Application to be considered by the KPC on the 23rd February 2017 for -

Conversion of Agricultural Barn to Residential at Kettleburgh Hall, Kettleburgh, IP13 7LD

This application is for the change of use of a barn at Kettleburgh, from Agricultural Barn to Residential under Class Q of the current 'General Permitted Development Order (2015)'.

[Page 41] *Class Q – agricultural buildings to dwellinghouses*

Permitted development

Q. 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; 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.**

Development not permitted [Q1] (see Pages 41/42 of the GDPO below)

Conditions [Q2] (see Page 42 of the GDPO below)

http://www.legislation.gov.uk/ukxi/2015/596/pdfs/ukxi_20150596_en.pdf

An amendment to this GDPO was made in 2016 in

'The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016'

The only change I can see is the following -

Amendment in relation to procedure for applications for prior approval

10. In Part 3 of Schedule 2, after paragraph W(2)(b) insert—

“(ba) in relation to development proposed under Classes M, N, O, P, PA and Q of this Part, a statement specifying the net increase in dwellinghouses proposed by the development (for the purposes of this sub-paragraph, “net increase in dwellinghouses” is the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development);”.

The application complies with this by stating “1 additional dwellinghouse”

Development not permitted

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

- (a) the site was not used solely for an agricultural use as part of an established agricultural unit—
 - (i) on 20th March 2013, or [stated as being in agricultural use on this date]
 - (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
 - (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;
- (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; [stated as being 250.6 square metres]
- (c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 3; [1 stated]
- (d) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; [stated that no tenancy exists]
- (e) less than 1 year before the date development begins— [N/A, no tenancy]
 - (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;
- (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—
 - (i) since 20th March 2013; or [none known?]
 - (ii) 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; [inferred to be not the case by areas stated but 'before and after' plans not dimensioned]
- (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; [final area stated as being 407.4 square metres]

- (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 [floors?]
 - (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); [none?]

- (j) the site is on article 2(3) land; [I don't know that it is]

- (k) the site is, or forms part of—
 - (i) a site of special scientific interest; [I don't think so]
 - (ii) a safety hazard area; [No]
 - (iii) a military explosives storage area; [No]

- (l) the site is, or contains, a scheduled monument; or [No]

- (m) the building is a listed building. [No]

Conditions

Q.2—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition 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**—

- (a) transport and highways impacts of the development, [conditions from SCC Highways regarding refuse bins and parking and manoeuvring of vehicles]

- (b) noise impacts of the development, [during construction only?]

- (c) contamination risks on the site, [further studies requested by Environmental protection letter of 17/02/2017]

- (d) flooding risks on the site, [probably none?]

- (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, and [does not look impractical]

- (f) the design or external appearance of the building, [shall be applied for?]

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application. [I consider that the application is not as complete as it could/should have been]

(2) Where the development proposed is development under Class Q(a) only, development is permitted subject to the condition 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 (e) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.

Changes of use not requiring planning permission [Abstract from the 'Planning Portal']

Planning permission is not needed when the existing and the proposed uses fall within the same 'use class', or if [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) (as amended) (GPDO) says that a change of use is permitted to another specified 'use class'.

For example, a greengrocer's shop could be changed to a shoe shop without the need for planning permission as these uses fall within the same 'use class', and a restaurant could be changed to a shop or a estate agency as the GPDO allows this type of change to occur without requiring planning permission.

Whilst a change of use might not need permission, any external building work associated with a change of use may still require planning permission.

The table below summarises the permitted changes of use following the latest updates to legislation which came into force on 6 April 2016 (see links below). The table simplifies the complex legislation and should be read as a guide only, and in conjunction with the additional comments and restrictions below.

Sui Generis (agricultural buildings)	A1, A2, A3, B1, B8, C1, C3, D2 , all subject to meeting relevant criteria and Prior Approval. See notes below.
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Agricultural buildings

Agricultural buildings under 450m² are permitted to change to C3 use (dwellinghouses), together with some building operations necessary to facilitate the conversion. This is subject to meeting certain criteria, including no more than 3 dwellings within an agricultural unit.

Existing barn is stated as 250.6 m² (I scaled it as 269 m²) so < 450 m².
Just one dwelling proposed so not greater than 3.

It is also subject to Prior Approval being sought in respect of transport and highways impacts, noise impact, contamination risks, flooding risks, whether the building is suitable for a residential use, and the design or external appearance of the building ([See GPDO Schedule 2, Part 3, Class Q](#)).

Agricultural buildings under 500m² are permitted to change to a flexible commercial use, comprising A1, A2, A3, B1, B8, C1 or D2 uses. This is subject to meeting certain criteria, and Prior Approval being sought in relation to uses over 150m² in respect of transport and highways impacts, noise impact, contamination risks and flooding risks ([See GPDO Schedule 2, Part 3, Class R](#)).

Agricultural buildings within land under 500m² are permitted to change to a state funded school or a registered nursery. This is subject to meeting certain criteria,

and Prior Approval being sought in respect of transport and highways impacts, noise impact, contamination risks, flooding risks and whether the building is suitable for the proposed use ([See GPDO Schedule 2, Part 3, Class S](#)).

The Town and Country Planning (Use Classes) Order 1987

1987 No. 764 - SCHEDULE - PART C

PART C

Class C1. Hotels and hostels

Use as a hotel, boarding or guest house or as a hostel where, in each case, no significant element of care is provided.

Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) —

- (a) by a single person or by people living together as a family, or
- (b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).

Amended by -

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010

Amendment of the Town and Country Planning (Use Classes) Order 1987

2.—(1) The Town and Country Planning (Use Classes) Order 1987(b) is amended as follows.

(2) In Part C of the Schedule, for Class C2A substitute—

“Class C2A. Secure residential institutions

Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.”

(3) In Part C of the Schedule, for Class C3 substitute—

“Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

[**Abstract from the ‘Planning Portal’** that provides additional descriptions of these sub classes thus –

C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.

C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.

C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.]

Interpretation of Class C3

For the purposes of Class C3(a) “single household” shall be construed in accordance with section 258 of the Housing Act 2004(a).”**

(4) In Part C of the Schedule, after Class C3 insert—

“Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

Interpretation of Class C4

For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004.”.

** [HMO – ‘house in multiple occupation’]

258 HMOs: persons not forming a single household

- (1) This section sets out when persons are to be regarded as not forming a single household for the purposes of section 254.
- (2) Persons are to be regarded as not forming a single household unless—
 - (a) they are all members of the same family, or
 - (b) their circumstances are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority.
- (3) For the purposes of subsection (2)(a) a person is a member of the same family as another person if—
 - (a) those persons are married to each other or live together as husband and wife (or in an equivalent relationship in the case of persons of the same sex);
 - (b) one of them is a relative of the other; or
 - (c) one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple.
- (4) For those purposes—
 - (a) a “couple” means two persons who are married to each other or otherwise fall within subsection (3)(a);
 - (b) “relative” means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;
 - (c) a relationship of the half-blood shall be treated as a relationship of the whole blood; and
 - (d) the stepchild of a person shall be treated as his child.
- (5) Regulations under subsection (2)(b) may, in particular, secure that a group of persons are to be regarded as forming a single household only where (as the regulations may require) each member of the group has a prescribed relationship, or at least one of a number of prescribed relationships, to any one or more of the others.
- (6) In subsection (5) “prescribed relationship” means any relationship of a description specified in the regulations.