

**15/02795/MBN**

**Proposed change of use of 3 adjoining agricultural buildings to 2 dwellinghouses and associated operational development at Cote House Farm, Busby Lane, Great Busby for Mr Nicholas Hugill**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The buildings form a compact group, south east of the farm house, and accessed by a long track (approximately 800m) from the road. There are larger agricultural buildings approximately 25m to the south. The farm is a dairy farm and milking takes place in the buildings immediately to the south of the application buildings.
- 1.2 The buildings are traditional farm buildings constructed partly of stone and brick, and have hipped roofs with clay pantiles. There are cart shed openings, partly in-filled with timber on the south side. The buildings are currently in use for general agricultural storage, with some light domestic use in the west building. The west building is reported to have been used for cows 2 years ago, the south building to have been used for calves in 2015. The domestic activity in the west building is very superficial and does not affect the status of agricultural building.
- 1.3 The proposal is a prior notification application under Part Q of the General Permitted Development Order for the conversion of the building to two dwellings. The application proposes one small 2 bedroom cottage in the west building and the south and north buildings forming a further dwelling with 3 bedrooms. Details of the proposed works are supplied which show fenestration which reflects the existing character of the building. An informal structural report submitted with the application indicates the building is relatively sound and that roof timbers may be retained.

**2.0 RELEVANT PLANNING HISTORY**

- 2.1 2/93/059/0036 - Conversion of disused agricultural building to a dwelling; Granted 3 June 1993.
- 2.2 07/02661/FUL - Alterations and extensions to former agricultural building to form a holiday unit and bed and breakfast accommodation; Granted 24 October 2007.

**3.0 NATIONAL AND LOCAL POLICY**

- 3.1 The development is permitted by secondary legislation, subject to prior consideration of specific details, and there are no Development Plan policies relevant to this. However, the Council may take the National Planning Policy Framework and the National Planning Practice Guidance into consideration.

**4.0 CONSULTATIONS**

- 4.1 Parish Council - expiry 28.01.2016
- 4.2 Neighbours and site notice - last expiry 02.02.2016
- 4.3 NYCC Highways - condition requested - vehicle and parking.

- 4.4 Environmental Health Officer - concerns about proximity to the dairy farm, with risk of harm to amenity from odour and potential concerns regarding the use of machinery and milk collections. Additional information supplied by the applicant has not allayed these concerns. Occupation by an agricultural worker, or holiday use, would be acceptable.

## 5.0 OBSERVATIONS

- 5.1 Part Q of the General Permitted Development Order sets out a number of tests against which a proposed development should be tested. These tests are split into two sections as set out below.

- 5.2 Class (a) of Part Q of the General Permitted Development Order requires the Planning Authority to assess the notification against a number of basic criteria as set out below:

- (a) The building is on land which forms part of an established agricultural unit and is used for agriculture;
- (b) The floor area is less than 450sqm;
- (c) No more than 3 dwellings would result;
- (d) There is no agricultural tenancy;
- (e) There is no other prior notification building on the holding;
- (f) No extensions are proposed;
- (g) No previous conversions have been made under Class Q;
- (h) The proposed works are reasonable in extent to facilitate the proposed use;
- (i) The site is not in a Conservation Area or within an AONB;
- (j) The site is not within a Site of Special Scientific Interest, safety hazard or military explosives area;
- (k) The site is not a scheduled monument; and
- (l) The building is not listed.

The proposed development is considered to meet these tests and as such is eligible for consideration under the Order.

- 5.3 Assessment under Class (b) of Part Q of the General Permitted Development Order is limited to six specific issues: (i) transport and highways impacts; (ii) noise impact; (iii) contamination risks on the site; (iv) flood risk; (v) whether the location or siting of the building makes it “otherwise impractical or undesirable” to convert to residential use; and (vi) the design or external appearance of the building.

### Transport and highways impacts

- 5.4 The Highway Authority does not indicate any harmful impacts, therefore the development is considered acceptable on this issue.

### Noise impact

- 5.5 Environmental Health Officer raised concerns about potential for noise nuisance arising from the use of machinery and milk collections.

### Contamination risk

- 5.6 Preliminary Assessment of Land contamination submitted. No contaminants identified. .

### Flood risk

- 5.7 The site is within Flood Zone 1, the area of lowest flood risk, and therefore no adverse impact is anticipated in this regard.

Whether otherwise impractical or undesirable

- 5.8 The Order requires the Council to consider "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)".
- 5.9 The siting of the proposed dwellings would not be impractical or undesirable in the sense of the examples set out in National Planning Practice Guidance. However, there are significant concerns about the amenity of occupiers that may make the change of use undesirable, primarily in terms of odour.
- 5.10 The proposed dwellings would be closer to the livestock buildings than would normally be considered desirable for a general purposed dwelling. Whilst there would be scope for action under environmental health legislation if a problem arose, this would require a statutory nuisance to be identified and therefore the loss of amenity would need to be greater than normally consider acceptable as a planning issue.
- 5.11 Consideration has been given to the use of a restrictive condition for an agricultural worker as suggested by Environmental Health officers. However, the Council's Legal Manager advises that such a condition could only be justified on the basis of a demonstrated agricultural need, which is not the applicant's case and does not feature in the scope of decision-making allowed by the Order.
- 5.12 In conclusion, the Council has no power to limit occupation of the dwellings to agricultural workers and the residential amenity concerns are considered significant enough to make the location undesirable for use as a dwelling.

Design or external appearance

- 5.13 The proposal would utilise existing openings and introduce additional changes which are appropriate in design to the character of the buildings. The extent of the works are reasonably necessary to convert the buildings.

## **6.0 RECOMMENDATION**

- 6.1 It is recommended that this application for Prior Notification be **REFUSED** for the following reason:
1. Due to its proximity to agricultural activities likely to be harmful to the amenities of occupiers by virtue of noise or smell, the siting of the development makes it "otherwise unsuitable or undesirable" for the building to change from agricultural use to a use falling within Class C3 (dwelling house) of the schedule to the Use Classes Order, in accordance with Q.2-(1)(e) of the Town and Country Planning (General Permitted Development) (England) Order 2015.