

Hyndburn Borough Council – Committee Report

Application Ref: 11/18/0294

Application Address: Land off Sandy Lane, Accrington

Prior Approval Application: Change of use of agricultural building to 1 No dwelling (C3) including curtilage and parking.

Date Registered: 27th July 2018

Date for Decision: 21st September 2018

Date Report Written: 30th August 2018

Procedural Requirement

This is an application to determine whether the prior approval of the local planning authority is required for the conversion of this agricultural building to form a dwellinghouse, along with associated operational development, as described in Part 3 (Class Q) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended).

In determining this application it is necessary for Planning Committee to consider whether the proposed development satisfies the requirements of the General Permitted Development Order (GPDO). This is not a planning application and the application should not therefore be considered against the policies of the development plan and other material considerations.

Site and Proposal

The application site comprises an agricultural building situated within the defined Green Belt close to the A65. This is in an area which is rural and open in character, with access off Sandy Lane and Brox Heights Lane.

The building which measures 18m by 22.86m with an overall height of 6.7m is in good condition. It is constructed of green box profile cladding from the floor to the eaves, and a roof constructed of dark green box profile roof sheets. The part of the building that would be converted into the dwelling would be the North-West elevation and would measure 6m x 13.7m. 2 car parking spaces would be made available.

Consultations

Public consultation: Site notice affixed, no comments received.

LCC Highways: No objection

Environmental Health: No objection subject to condition

HBC Ecology Officer:

Relevant Planning History

11/06/0698 ERECTION OF AN AGRICULTURAL STORAGE BUILDING
(RESUBMISSION 11/06/0506) A/C 26/01/2007

PR/06/0506. ERECTION OF AGRICULTURAL BUILDING FOR THE STORAGE OF HAY AND FARM MACHINERY. REFUSED 18.09.2006

Relevant Policies

Hyndburn Core Strategy Env6 and Env7

Development Management DPD GC1 DM26 DM29 and GN8

National Planning Policy

Observations

This is an application to determine whether the prior approval of the local planning authority is required for the conversion of an agricultural building to a dwellinghouse, along with associated operational development, as described in Part 3 (Class Q) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended).

As set out in the above order, providing the proposal complies with Paragraph Q.1 (which it does), the local planning authority must determine whether their prior approval is required (and if so whether it is given) in relation to the following matters:

Transport and highways impacts

Lancashire County Council Highways has been consulted and no objections to the proposal have been raised.

Noise impacts

The proposal is not considered to raise any concerns regarding impact from noise and as such, prior approval is not required in this respect.

Contamination risks

Environmental Health has been consulted and no issues have been raised regarding contamination risks of the site. As such, prior approval is not required in this respect.

Flooding risks

The site does not fall within Flood Zones 2 or 3 and is not in an area with critical drainage problems. As such, prior approval is not required in this respect.

Whether location/siting makes it impractical/undesirable for a change of use

Whilst the application site is considered to be in an unsustainable location, it is accepted that sustainability is not a matter for consideration in an application for this type, as set out in Reference ID 13-108-20150305 of the National Planning Practice Guidance website.

Reference ID 13-109-20150305 provides additional guidance regarding what would constitute an 'impractical' or 'undesirable' change of use. There is an access to the application property and a number of other dwellings are situated in the surrounding area, indicating that it is not impractical or undesirable for a further dwellinghouse to be created here.

Overall, the proposed change of use is not considered to be impractical or undesirable due to the location and siting of the building and as such, prior approval is not required in this respect.

Design and external appearance of building

This application retains much of the existing building. The proposal merely involves punching holes in the existing walls for the doors and windows which under the regulations he is allowed to do.

As for the proposed impact of the development on the amenity of nearby properties, the property is not within close proximity to any other dwellings and on this basis, the proposed development is considered to be acceptable in terms of its design and external appearance.

Other matters

The Council's Ecology Officer has been consulted and offers no objections but does state:

Whilst not expressly referred to as one of the prior approval issues for the Local Planning Authority to consider, ecology remains a key factor in the conversion of rural buildings. The Department for Communities and Local Government report (March 2014) on responses to the consultation on changes to Permitted Development rights in Paragraph 25 indicates that "All changes under permitted

development are required to meet necessary habitats and environmental legislation and regulations.” Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC) requires all public bodies to have regard to biodiversity conservation when carrying out their functions. In the exercise of its functions the Council is also required to have regard to the requirements of The Conservation of Habitats and Species Regulations 2010 (as amended) (Habitats Regulations).

The Local Planning Authority believes that presence and implications for protected species should form part of the consideration of whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural to residential use. It is noted that prior approval applications are required to be determined with regard to the requirements of the NPPF which also requires decisions to be taken with regard to protected species.

Consequently, where protected species are at risk of harm from the development, Local Planning Authorities should require an application for prior approval that is accompanied by an assessment of the potential impact upon protected species and where necessary, supported with proposals for appropriate mitigation. This means that ecological surveys may reasonably be requested and that pre-commencement conditions to secure necessary protection measures may be attached to a notice of prior approval under Class Q.

Whilst the conversion of a barn into a dwelling may potentially lead to an adverse impact upon ecology and protected species, it cannot be considered in the scope of this application as it is not a test as part of Class Q of the GPDO.

Conclusion

The local planning authority's prior approval is required in relation to amongst other things the design and external appearance of the building, potential flooding and highways. The application complies with the requirements of Part 3 (Class Q) of the GDPO and as such, it is recommended that prior approval is granted.

Recommendation

That prior approval is required and is granted in relation to the design and external appearance of the building, subject to conditions.

Conditions

- 1) The development hereby approved shall be completed before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Part 3 (Class Q) of the

Town and Country Planning (General Permitted Development) (England) Order 2015.

- 2) The development shall be carried out in accordance with the following documents:
 - (a) The prior approval application form and additional information dated 27th July 2018.
 - (b) Submitted Drawing Nos. Bor/161/2545/01 received by Hyndburn Borough Council on 27th July 2018

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to adequately control the development and to minimise its impact on the amenities of the local area.

Informatics

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- 2) 14
- 3) 15
- 4) 16
- 5) 17