

**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE**

MAIDENHEAD DEVELOPMENT CONTROL PANEL

31 August 2016

Item: 4

Application No.:	16/02164/CLASSM
Location:	Pump House Kennel Lane Cookham Dean Maidenhead
Proposal:	(Class Q) Change of use from an agricultural building to a dwellinghouse (C3) and associated operational development
Applicant:	Copas Farms
Agent:	Mr Geoffrey Copas
Parish/Ward:	Cookham Parish

If you have a question about this report, please contact: Sheila Bowen on 01628 796061 or at sheila.bowen@rbwm.gov.uk
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1. SUMMARY

- 1.1 This is a notification for prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development, under the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 3, Class Q. The site is an agricultural building located on Kennel Lane off Whyteladyes Lane, Cookham. The proposal complies with the requirements of the Order, and so it is recommended that prior approval is required and is granted.

It is recommended the Panel grants prior approval.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor MJ Saunders, only if the recommendation is to grant, who stated: Parish Council Planning Committee objections which challenge whether permitted development rights apply to the proposed development.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is a utilitarian agricultural building situated next to Kennel Lane off Whyteladyes Lane on a farm owned by Copas Farms to the South of Cookham. The building is 5m in height. It has 68 sqm of gross floor space. It is accessed via Kennel Lane which is currently an unmade track which runs onto Whyteladyes Lane, and is also accessible via a track within Lower Mount Farm which joins up to Long Lane. The building has concrete block walls with profiled sheeting above and profiled sheeting roof, and large metal and mesh sliding doors. There are a few trees beside the building, and the surrounding land is agricultural.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is to convert the building to a single storey dwelling house, with the addition of doors and windows, and alteration of the materials to a brick plinth and timber boarding walls, with a dark green profiled sheeting roof. Internally, there would be an open plan kitchen/dining/living area, and a bedroom with en-suite and dressing room. The building would remain the same size, apart from the walls being slightly thicker.
- 4.2 There is no relevant planning history.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 The National Planning Policy Framework is relevant to the application. In addition, of relevance is the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3, Class Q. This relates to prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3), and for associated operational development.
- 5.2 Class Q states that development is not permitted where the proposed change of use would result in more than 3 dwellinghouses that have a cumulative floor space of more than 450 square metres being created within an “established agricultural unit” (which means agricultural land occupied as a unit for the purposes of agriculture on or before 20 March 2013, or for ten years before the date the proposed development will begin) Development is not permitted where the building is a listed building, the site is or contains a scheduled monument, is located on Article 2(3) land, or the site is, or forms part of a site of special scientific interest, a safety hazard area or a military explosives storage area.

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issue for consideration is whether the proposal complies with the Town and Country Planning (General Permitted Development) order 2015, Schedule 2, Part 3, Class Q.

6.2 SUMMARY OF MAIN ISSUES

This application is to determine whether prior approval is required for a proposed development. The Council has had regard to:

- representations made to us
- the National Planning Policy Framework

Class Q – agricultural buildings to dwellinghouses

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.***

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
 - (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;

The site was used solely for an agricultural use as part of an established agricultural unit (i) on 20th March 2013. **The proposal complies.**

- (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;

The cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit does not exceed 450 square metres. **This is the first**

building to be so converted on the agricultural unit, and it measures 68 sqm. The proposal complies.

- (c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 3;

The cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit does not exceed 3. **The proposal complies.**

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

The site is not occupied under an agricultural tenancy. **The proposal complies.**

- (e) 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;

Less than 1 year before the date development begins an agricultural tenancy over the site has **not** been terminated, and 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 proposal complies.**

- (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
- (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;

Development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has **not** been carried out on the established agricultural unit since 20th March 2013; or 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. **The proposal complies.**

- (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;

Revised plans have been received to make the external dimensions no larger than the existing dimensions. The development would therefore not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point. **The proposal complies.**

- (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;

The development under Class Q (together with any previous development under Class Q) would **not** 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. **The proposal complies.**

- (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

(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);

The development under Class Q(b) would **not** consist of building operations other than (i) (aa) (bb) and (ii). **The proposal complies.**

(j) the site is on article 2(3) land;

The site is **not** on article 2(3) land. **The proposal complies.**

(k) 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;

The site is not or does not form part of (i) (ii) or (iii). **The proposal complies.**

(l) the site is, or contains, a scheduled monument; or

(m) the building is a listed building.

The site is not or does not contain a scheduled monument nor is the building listed. **The proposal complies.**

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,
- (b) noise impacts of the development,
- (c) contamination risks on the site,
- (d) flooding risks on the 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, and
- (f) the design or external appearance of the building, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(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.

Transport and highways impacts

The Local Highway Authority has been consulted and have no objection to the proposal.

Noise Impact and Contamination Risks

Following consultation with the Environmental Protection Unit they have raised no objections to permission being granted.

Flooding Risks

The site is not located in an area at risk from flooding.

Location & Siting

The location or siting of the building does not make it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3

Design & External Appearance

Paragraph 64 of the National Planning Policy Framework requires that Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The present building is utilitarian in appearance, and the proposal includes recladding in timber which will improve the character and quality of the area.

The proposed design and external appearance are in accordance with paragraph 64 of the National Planning Policy Framework (NPPF).

The provisions of paragraph W (prior approval) of this Part apply in relation to that application have been discharged accordingly:-

- (1) The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.
- (2) The application must be accompanied by -
 - (a) a written description of the proposed development, which, in relation to development proposed under Class C, M, N or Q of this Part, must include any building or other operations;
 - (b) a plan indicating the site and showing the proposed development;
 - (c) the developer's contact address;
 - (d) the developer's email address if the developer is content to receive communications electronically; and
 - (e) where sub-paragraph (6) requires the Environment Agency(a) to be consulted, a site specific flood risk assessment,

together with any fee required to be paid.

Details required under (2), sub-paragraphs (a) to (d) were received by the Local Planning Authority on 15 July 2016 and the fee was paid.

- (3) The local planning authority may refuse an application where, in the opinion of the authority
 - (a) the proposed development does not comply with, or
 - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.
- (4) Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.
- (5) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning

authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult -

- (a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;
- (b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and
- (c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

The Highways Authority was consulted, although this was not a requirement.

- (6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency where the development is -
 - (a) in an area within Flood Zone 2 or Flood Zone 3; or
 - (b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

The development is not in Flood Zones 2 or 3, or in Flood Zone 1 with critical drainage problems, and so there is no requirement to consult with the Environment Agency.

- (7) The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

The Consultees referred to in sub-paragraphs (5) and (6) were given until 15.8.2016 to respond.

- (8) The local planning authority must give notice of the proposed development –
 - (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which -
 - (i) describes the proposed development;
 - (ii) provides the address of the proposed development;
 - (iii) specifies the date by which representations are to be received by the local planning authority; or
 - (b) by serving a notice in that form on any adjoining owner or occupier.

The site notice was displayed on the building on **20.7.2016**.

- (9) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include –
 - (a) assessments of impacts or risks;
 - (b) statements setting out how impacts or risks are to be mitigated; or
 - (c) details of proposed building or other operations.
- (10) The local planning authority must, when determining an application -
 - (a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8);
 - (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012(a), so far as relevant to the

subject matter of the prior approval, as if the application were a planning application; and

- (c) in relation to the contamination risks on the site -
- (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990(b), and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012(c), and
 - (ii) if they determine that the site will be contaminated land, refuse to give prior approval.

(11) The development must not begin before the occurrence of one of the following -

- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
- (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
- (c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

(12) The development must be carried out -

- (a) where prior approval is required, in accordance with the details approved by the local planning authority;
- (b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1), unless the local planning authority and the developer agree otherwise in writing.

(13) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

- (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.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

5 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 20.7.2016

One letter was received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. The site is on Green Belt and should be protected from urban sprawl.	Not a consideration
2. There should be no change of use in the Green Belt.	
3. Kennel Lane is a public footpath which is an important link between Cookham Rise and Cookham Dean. Disagree with Rights of Way officer's assertion that the proposal will not have a significant adverse impact.	Proposal will not have a significant adverse impact
4. Refuse and cycle provision not adequate.	These have been submitted

		and the Highways Officer now has no objection.
5.	Traffic will produce noise	Environmental Protection have no objection.
6.	The proposal will not improve the appearance of the building	It is considered to be an improvement.
7.	The technical officer had pointed out that the application form stated two dwellings	This was corrected to one dwelling before registration.
8.	The sewage system is under pressure – who would pay for an upgrade?	Not a consideration
9.	Increased pressure on doctors and schools	“
10	Whyteladyes Lane is very busy, and the majority break the speed limit.	Highways have no objection

Statutory Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Objection. Building not suitable for conversion due to locality and form. We would encourage RBWM to invoke Article 4.	6.2 Q2 (2) It is not considered appropriate to invoke Article 4

Other Consultees

Consultee	Comment	Where in the report this is considered
Highways Officer	No objection	6.2 Q2 (2)
Environmental Protection	No objection	6.2 Q2 (2)

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Extent of Agricultural Holding
- Appendix C – Existing plans and elevations
- Appendix D – Proposed plans and elevations

Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with the NPPF.

9. CONDITIONS IF PRIOR APPROVAL IS GRANTED

- 1 The proposal is in accordance with Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 and an application for prior approval of the proposed development is required and is granted.