

DELEGATED DECISION

Town and Country Planning, England

The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions)(England) Order 2014 - Class MB

Permitted development

MB. Development consisting of -

(a) a 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 (dwellinghouse) of the Schedule to the Use of 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.

The delegation powers schedule has been checked. Interim Director of Planning, Regeneration & Public Realm can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Report of the Head of Development Management and Building Control

Address: TOWNEND FARM HILL END ROAD HAREFIELD

Development: Conversion of agricultural building to one dwelling house with associated building operations including new windows, doors and roof lights (Application for Prior Approval under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)).

LBH Ref Nos: 76981/APP/2023/1033

Drawing Nos: 2023/275/101A
2023/275/100
Engineering Structuring Report
Planning Statement

Date Plans received: 06-04-23 **Date(s) of Amendments(s):**

Date Application valid 21-04-23

1. RECOMMENDATION

1.1 Recommendations

PRIOR APPROVAL REFUSED

REASONS FOR REFUSAL

The proposed development does not constitute permitted development by virtue of the provision of Paragraphs Q.1(i) and Q.2(1)e, Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) because it has not been demonstrated to the satisfaction of the Local Planning Authority that the development proposed would not go beyond operations reasonably necessary to convert the existing barn building into a dwelling house.

The application site lies in a rural location with very limited access to the range of services and facilities required to support the proposed residential development. As a result, future occupiers of the proposed dwelling would be highly dependent on the need to travel by means of private car. The change of the use of the building from agricultural to residential in this location is therefore unacceptable and undesirable as the proposal would fail to provide sustainable transport choices and sustainable land use.

The proposed development may also constitute inappropriate development which is, by definition, harmful to the Green Belt and would have an adverse impact on the openness of the Green Belt.

Therefore, the location and siting of the development is therefore undesirable.

INFORMATIVES

2.0 PLANNING CONSIDERATIONS

- 1) Is there an existing planning condition removing permitted development rights? NO
- 2) Is the building a Listed Building / in a Conservation Area. NO

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;

Planning Officer Comment: The submitted Planning Statement states that the site has been used solely for agricultural purposes and is referred to as being in agricultural use in the assessment of application 76981/APP/2022/95.

b) in the case of-

(i) a larger dwellinghouse, within an established agricultural unit-

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;

Planning Officer Comment: The development is for 1 dwellinghouse and would not exceed 465 square metres.

(c) in the case of-

(i) a smaller dwellinghouse, within an established agricultural unit-

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

Planning Officer Comment: The development is for 1 dwellinghouse and would not exceed 100 square metres.

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following-

(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes

Order;

(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

Planning Officer Comment: The development is for 1 dwellinghouse and would not exceed 465 square metres.

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

Planning Officer Comment: The submitted Planning Statement confirms that the site is not occupied under an agricultural tenancy.

(f) 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;

Planning Officer Comment: The submitted Planning Statement confirms that no agricultural tenancy over the site has been terminated within the last year.

(g) 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;

Planning Officer Comment: The submitted Planning Statement confirms that no works have been carried out under Part 6 of this Schedule within this timeframe. The Council is not in possession of any evidence which would suggest that development under Class A(a) or Class B(a) of Part 6 of this Schedule has been carried out since 20th March 2013.

(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

Planning Officer Comment: The external dimensions of the proposed buildings do not extend beyond the external dimensions of the existing buildings.

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);

Planning Officer Comment: Paragraph 105 of the Planning Practice Guidance states that "it is not the intention of permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right"

In terms of what is 'reasonably necessary', the Hibbitt and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council EWHC 2853 establishes where works would be so significant so as to amount to rebuild or fresh build, this would go beyond what is considered a conversion and such beyond the provisions of Class Q.

The proposal includes the installation/replacement of windows, doors, roofs and exterior walls of the existing barns. Whilst it is noted that individually these identified proposed works would not fall outside of the operations given in paragraph Q.1(i), this does not necessarily mean that cumulatively such operations could not go beyond what would be considered 'reasonably necessary' for the conversion of the buildings.

An Engineers Report has been submitted as part of this application, and based on the information provided, it has not been demonstrated to the satisfaction of the Local Planning Authority that the building is structurally capable of being inhabited as a dwelling. Nor has any robust information been provided outlining the degree of building work that would be required to complete the development. It is noted in the Engineers Report that no further ground investigation has been carried out at this time and that the existing barn is performing adequately for its current purpose. However, it is questioned whether the existing foundations/footings of the barns could support such building works without any significant structural interventions. No structural calculations have been submitted to demonstrate otherwise.

In light of the above, and when considering the totality of the work, it cannot be ascertained that the building operations which would go beyond those considered reasonably necessary for the buildings to function as a dwellinghouse would not be required. The proposed development therefore fails to comply with the terms of permitted development rights paragraph Q.1(i), Class Q of the GPDO.

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

Planning Officer Comment: The application site is not situated within an Article 2(3) land.

(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;

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

Planning Officer Comment: The site is not affected by any of these matters.

(m) the building is a listed building.

Planning Officer Comment: The existing barn is not listed.

Notwithstanding the failure to comply with Paragraph Q.1(i), Class Q of the GPDO, the following section of this report will consider the detailed prior approval matters under Paragraph 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,

Planning Officer Comment: As the proposal is restricted solely to a conversion to a single tenure one-bedroom residential dwelling, it is evidently a small-scale development with insignificant traffic generation/parking consequences with commensurate negligible impact on likely travel demand to and from the site whether by sustainable means or otherwise.

The Councils Highways Officer has reviewed the application and raised no objections noting that the proposal does not demand 'Prior Approval' under the requirements of condition Q.2 (1)(a) (transport and highway impacts of the development) of Class Q GPD Order. This is subject to conditions requiring details on cycle parking and electric vehicle charging points.

(b) noise impacts of the development,

Planning Officer Comment: With regards to Q.2-(1)(b), it is considered that noise impacts of the development would be acceptable given the rural setting of the site. The Councils Noise Officer has raised no objection on this ground.

(c) contamination risks on the site,

Planning Officer Comment: The Councils Contamination Officer has been consulted and has raised no objections subject to a condition and informative note that the application must adhere to.

(d) flooding risks on the site,

Planning Officer Comment: The site is not situated within a Flood Risk Zone. Given that the proposal is a change in use and does not require extending the existing footprint, it is not considered that the proposed scheme would have an impact on flooding.

(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

Planning Officer Comment: The application site lies in a rural location with very limited access to the range of services and facilities required to support the proposed residential development.

The site is in a remote location with a PTAL score of 0 (Worst). There is no bus access along Hill End Road. The U9 bus can be accessed from Harefield Hospital (0.6 miles), however it only operates with 20- or 30-minute intervals depending on the time of day. There is also no service after 9pm. The 331 bus can be accessed from Harefield High Street (0.9 miles), but also only operates with 20- or 30-minute intervals depending on the time of day. There is no tube or train station within reasonable distance, with Denham Station the closest station (30 mins with a hybrid walk and bus journey). The walk to Harefield town centre is approximately 1 mile, however this is only a local centre with limited shops and services.

As a result, future occupiers of the proposed dwelling on this highly remote location would be highly dependent on the need to travel by means of private car. The harmful externalities associated with car dependency, include increased congestion, carbon emissions, air pollution, noise pollution, traffic accidents, social isolation, stress on public services and health issues associated with inactivity.

The principle of the development in this unsustainable location is therefore unacceptable as the

proposal would fail to provide sustainable transport choices, and meet the needs of sustainable land use.

The site is also within Green Belt. The construction of new buildings within the Green Belt should not be approved except in very special circumstances. The proposal includes the installation/replacement of windows, doors, roofs and exterior walls of the existing barn. Given the totality of the proposed alterations, it is questionable as to whether the development would constitute a new building. Some exceptions to the construction of new buildings are outlined in paragraph 149 of the National Planning Policy Framework. In the absence of any detailed information or clarification, it is undetermined whether the proposed works would constitute and alteration to a building (para 149c) or a replacement building in a different use (149d), the latter of which would be Inappropriate Development, and therefore harmful to the Green Belt.

(f) the design or external appearance of the building,

Planning Officer Comment: The existing agricultural building are not considered to be of important architectural merit. The proposed design of the external appearance of the buildings is not considered to cause harm to the character and appearance of the wider rural area.

(g) the provision of adequate natural light in all habitable rooms of the dwellinghouses, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application,

Planning Officer Comment: All habitable rooms of the dwellinghouse would receive an adequate provision of natural light.

Paragraph 3, (9A) of the GPDO states that (Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse-

(a) where the gross internal floor area is less than 37 square metres in size; or

(b) that does not comply with the nationally described space standard issued by the Department of Communities and Local Government on 27th March 2015.

Planning Officer Comment: The proposed dwelling would comply with the nationally described space standards.

Suitability of Siting and Location

Refer to the Section 2.0 of this report.

Noise Impact

Refer to the Section 2.0 of this report.

Traffic Impact

Refer to the Section 2.0 of this report.

Contamination

Refer to the Section 2.0 of this report.

Flooding

Refer to the Section 2.0 of this report.

Consultation

10 neighbouring properties were consulted on 26th April 2023, consultation expired on 1st June 2023.

1 objection was received, and their comments are summarised as follows:

- The proposal would ruin the rural aspect of the area and could set a precedent for building on other green belt sites nearby.

- inaccuracy on the site location as the planning application is located on Springwell Lane, not Hill End Road.

Planning Officer Response: The harm caused to the Green Belt is not a material planning consideration against the requirements set out under the GPDO. According to the Councils GIS Mapping System and Planning History, it is identified that the site is situated on Hill End Road.

Highways:

Site Characteristics & Background

This semi-rural site is located within an agricultural holding off Hill End Road in Harefield. The address fails to score a public transport accessibility level (PTAL) rating given its remote nature hence dependency on the use of private motor transport is elevated.

It is proposed to convert an existing agricultural building to a one-bedroom residential dwelling via the 'Prior Approval' (PA) route of determination. The building is served by an established access roadway which spurs from an existing lengthy road track that connects directly onto Hill End Road. This 'track' gained consent for domestic use in 2020 as part of an application for 4 new residential units (72546/APP/2019/3837).

A more recent application for demolition of the said building and replacement with a new detached dwelling (76981/APP/2022/95) was refused in 2022 on the grounds of inappropriate development within the green belt and the absence of sustainable transport choice to the site due to its rural and remote location.

Parking Provision

Local Plan: Part 2 Policy DMT 6 requires that new development will only be permitted where it accords with the council's adopted parking standards unless it can be demonstrated that a deviation from the standard would not result in a deleterious impact on the surrounding road network.

In order to comply with Hillingdon's maximum parking standard there is a requirement for 2 on-plot spaces to be provided for the new dwelling which is broadly replicated by the regional London Plan standard.

The applicant submission indicates that several spaces (i.e. 2-3 spaces) can be made available which, although marginally above the maximum standard, is considered acceptable given the aforementioned non-existent PTAL rating which does not favour a lower overall quantum as dependency on private motor transport would be very high in this location hence prompting the need for achieving a parking level toward or at the maximum standard. A marginally higher provision would also lessen the likelihood of untoward and injudicious parking displacement within the site envelope and public highway which would be advantageous to all road network users. Notwithstanding the above, it is noted that the previous 2022 application was refused on inadequate transport sustainability grounds which technically still applies to this new proposal.

However, to maintain a similar refusal under the requirements of condition Q.2 (1)(a) (transport and highway impacts of the development) of Class Q GPD Order, the Highway Authority (HA) would need to demonstrate notable material harm and negative impact to the local and overall highway network. As the proposal is restricted solely to a conversion to a single tenure one-bedroom residential dwelling, it is evidently a small-scale development with insignificant traffic

generation/parking consequences with commensurate negligible impact on likely travel demand to and from the site whether by sustainable means or otherwise. Pursuing refusal would therefore be in direct conflict with the NPPF (2021-paragraph 111) and is therefore not recommended by the HA.

Electric Vehicle Charging Points (EVCP's)

In line with the London Plan (2021), within any final parking quantum there is a requirement for a 20% 'active' EVCP provision with all remaining spaces being designated as 'passive' provisions. In this case, the new dwelling should incorporate 1 'active' and 1 'passive' space. *This aspect should be subject to a planning condition.

Cycle Parking

The cycle parking provision should be at level of 2 secure and accessible spaces. *No detail is provided hence full details related to quantum and positioning would need to be secured via planning condition.

Vehicular Trip Generation

Local Plan: Part 2 Policies DMT 1 and DMT 2 require the council to consider whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety.

The proposal would produce a marginal level of traffic generation from the address however peak period traffic movement into and out of the site would not be expected to rise beyond 1-2 vehicle movements during the most sensitive and crucial peak morning and late afternoon/evening hours. Hence this uplift is considered de minimis in generation terms and therefore can be absorbed within the local road network without notable detriment to traffic congestion and road safety.

Internal Site Layout /Vehicle Access Provisions

The existing lengthy road track from Hill End Road already serves site activities without known detriment hence there are no specific issues envisaged with regard to the continuance of satisfactory access for domestic vehicles linked to the proposal. The same applies to the new access roadway that links the new dwelling directly to the road track.

Also, it is noted that the proposed internal parking arrangement indicates conformity to the Department for Transport's (DfT) - Manual for Streets (MfS) (circa 2007) best practice for road and parking layouts by allowing vehicles using the proposal site to enter and leave in a forward gear without hindrance which is welcomed on operational and safety grounds.

Operational Refuse Requirements

In the case of waste collection, distances between designated bin storage areas and a refuse vehicle should not exceed 10m in order to accord with the council's waste collection standard with carrying distances the new residential unit not exceeding a distance of 30m.

This parameter should be achievable as waste collection is already undertaken from this site but no indicative detail has been submitted. A planning condition can be applied to secure satisfactory provisions however the council's 'Waste Management Service' may wish to comment further on this matter.

Conclusion

In accord with the Town & Country Planning General Permitted Development (GPD) Order 2015 (Class Q - Part 3 of schedule 2, there is no objection to the conversion from an agricultural to a single tenure residential use based on the marginal scale of proposal which inherently generates negligible travel and associated parking demand.

Hence, in 'highway & transport' terms the proposal does not demand 'Prior Approval' under the requirements of condition Q.2 (1)(a) (transport and highway impacts of the development) of Class Q GPD Order.

N.B. If under other matters relevant to the GDPO, the proposal is deemed to require Prior Approval, the recommended planning conditions as 'asterisked' within the above appraisal should be exercised.

END

Contamination Officer:

If planning permission is awarded please provide the following contamination informative, and impose the imported soils condition:

Contamination Informative

There is a possibility there may be some contaminating substances present in the ground. We have no information on the ground conditions at the property. We would advise persons working on site to take basic precautions in relation to any contamination they may find. Precautions should be taken to minimise the mixing of any excavated materials, (e.g. in made ground), with clean shallow soils that are to remain on site.

REASON:

Ordnance Survey mapping (1888-1913) shows the area of land for development is occupied by previously constructed agricultural building/s. The advice is provided on the grounds of Health and Safety of the workers on site, and to ensure appropriate restoration of the site to minimise risk to future occupants when works are complete.

Imported soils condition

No contaminated soils or other materials (including subsoils and aggregates) shall be imported to the site. All imported soils for landscaping and/or engineering purposes shall be clean and free of contamination. Before any part of the development is occupied, all imported soils shall be independently tested for chemical contamination, and the factual results and interpretive reports of this testing shall be submitted to and approved in writing by the Local Planning Authority.

REASON To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Hillingdon Local Plan: Part 2 (January 2020) Policies - DMEI 11: Protection of Ground Water Resources and DMEI 12: Development of Land Affected by Contamination.

Noise Officer:

Given the nature and context of the proposed development apparent from the location plan I do not consider noise and vibration a material planning issue.

Relevant Planning History

76981/APP/2022/95

Townend Farm HILL END ROADHAREFIELD

Erection of new two storey detached dwelling, to include demolition of barn and associated landscaping works

Decision Date:

11-03-2022

Refused

Contact Officer:

Natasha Vernal

Telephone No:

01895 250230