

Town/Parish Council: Kenilworth

Case Officer: Debbie Prince

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Land at New Kingswood Farm, Dalehouse Lane, Kenilworth, CV8 2JZ

Application for a Certificate of Appropriate Alternative Development.

LAND COMPENSATION ACT 1961, SECTION 17 AS SUBSTITUTED BY SECTION 63
OF THE PLANNING AND COMPENSATION ACT 1991

Conversion of agricultural building to 3 dwellings

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This application has been made by Mr Guy Minshull, the owner of New Kingswood Farm, a property which is being compulsorily purchased by HS2 Ltd.

RECOMMENDATION

Planning Committee are recommended to certify that the Prior Approval of the Local Authority is not required for the conversion of the building into 3 residential units.

BACKGROUND

The proposals the subject of this report arise from legislation which has been enacted to facilitate the delivery of the HS2 proposal and in particular are designed to assist landowners in realising an appropriate financial return upon the compulsory purchase of a property by in this case HS2 Limited.

A Certificate of Alternative Appropriate Development does not comprise a planning permission or a Prior Approval and does not permit development to be undertaken. Rather, it is intended to identify development which is considered to be acceptable and likely to obtain planning permission or the Prior Approval of the Council (were a submission to be made) in order to assist in the valuation (for the purpose of compulsory purchase) of the property in question.

An application for a certificate can only be made by persons owning the land or property in question or the Authority making the compulsory purchase, in this case HS2. Where a Certificate is granted, it relates to the principle of a proposal only and for that reason the legislation does not require applicants to submit detailed plans.

Similarly, there is no requirement for the Local Planning Authority to undertake any consultation or publicity and the proposal should be considered under "normal" circumstances (i.e. without considering the HS2 proposal) taking into account the relevant material considerations and in this case the Permitted Development Rights conferred by The Town and Country Planning (General Permitted Development) (England) Order 2015.

THE SITE AND ITS LOCATION

The application property is an agricultural building located close to an existing farmhouse surrounded by arable farmland on the south side of Dalehouse Lane in the open countryside and Green Belt.

The property is being Compulsorily Purchased by HS2 Ltd for the construction of the high speed railway line.

RELEVANT POLICIES

The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 3 Class Q

ASSESSMENT

Details of the Development

The assessment to be undertaken in this case is whether prior approval under Schedule 2, Part 3, Class Q (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 relating to a proposed change of use from an agricultural building to a dwelling house(s) (Use Class C3) would be given.

If it is concluded that prior approval would be given, it follows that the Certificate of Alternative Appropriate Development should also be issued.

The main issues relevant to the consideration of this request for prior approval are:

- whether the proposals comply with the limitations of Schedule 2, Part 3, Class Q of the GPDO;
- the transportation and highways impacts of the development;
- the noise impacts of the development;
- any contamination risks on the site;
- any flooding risks on the site;
- 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 (dwelling houses) of the Schedule to the Use Classes Order.

These are the only issues that Local Planning Authorities are able to consider under the prior approval regime in respect of proposals such as this.

The limitations of Class Q

Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits 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 (dwelling houses) of the Schedule to the Use Classes Order; and (b) building operations reasonably necessary to convert the building to a use falling within Class C3 (dwelling

houses) of that schedule, subject to the above main considerations and other limitations.

Before considering the main issues the subject of this report, members are advised that the proposals also meet the following limitations which enable the proposals to be considered under Class Q:

- (a) the site was used solely for an agricultural use on 20 March 2013;
- (b) the cumulative floor space of the existing building or buildings changing use under Class Q within this agricultural unit does not exceed 450 square metres: *the total floor space proposed is 449m².*
- (c) the cumulative number of separate dwelling houses developed under Class Q within the agricultural unit does not exceed three;
- (d) the site is not occupied under an agricultural tenancy;
- (e) an agricultural tenancy has not been terminated within the past year;
- (f) no development under certain other classes of the General Permitted Development Order has been carried out on the agricultural unit since 20 March 2013;
- (g) the development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;
- (h) the development (together with any previous development under Class Q) would not result in more than 450 square metres of floor space of building or buildings within the agricultural unit having changed use under Class Q;
- (i) the development would not consist of building operations other than:
(i) the installation of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling house; or (ii) partial demolition to the extent reasonably necessary to carry out these building operations;
- (j) the site is not within Conservation Area.
- (k) the site does not form part of a site of special scientific interest, a safety hazard area or a military explosives storage area;
- (l) the site is not, and does not contain, a scheduled monument; and
- (m) the building is not a listed building.

Assessment of the Main Issues

Noise impacts of the development

The isolated nature of the site is such that I am satisfied that there would be no adverse noise impact as a result of the development.

Contamination risks on the site

There are no known contamination risks associated with the application site.

Flooding risks on the site

The site is situated within Flood Zone 1 and consequently there is no undue flood risk.

Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to be used as a dwelling

The application site is well connected to the local highway network by a 5m wide track and there is clear visibility in both directions onto Dalehouse Lane. There are no other matters that would affect the occupation of the building as a dwelling house.

Overall, I am satisfied that it would not be impractical or undesirable for the building to be used as a dwelling.

Design and external appearance of the building

The design and appearance of the buildings are considered appropriate and would not entail anything other than the installation of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services, to the extent reasonably necessary for the resultant buildings to function as dwelling houses; or partial demolition to the extent reasonably necessary to carry out these building operations.

CONCLUSION

It is therefore concluded that prior approval would be given under Class Q for the conversion of the building into 3 residential units. It therefore follows that a Certificate of Appropriate Alternative Development should be issued.