

From: [Ellie Lee](#)
To: [James Cain](#)
Subject: 3/21/1384/CLP - Barn adjacent to Anchor Paddock, Batchelors Lane, Holt, BH21 7DS
Attachments: [Planning Application 3211384 CLP - Anchor Paddock Batchelors Lane \(1\) \(1\)_Redacted.pdf](#)
Sent: 31/03/2022 17:19:00

Good afternoon James,

3/21/1384/CLP - Barn adjacent to Anchor Paddock (Convert machinery barn to residential dwelling):

I am now looking into the above application and I apologise for the delay in the assessment to date.

Whilst a Supporting Letter from the builder & a Structural Report have been submitted, no Supporting Planning Statement has been submitted for the current Certificate of Lawfulness application ref: [3/21/1384/CLP](#).

Would you like the Supporting Planning Statement from the previous application ([3/20/2281/PNAGD](#)) to be copied across (to the current CLP application) or would you like to provide a new Supporting Planning Statement?

Further to the above, as Holt Parish Council have objected to the proposals (see attached email), do you wish to rebut this with any supporting information?

Whilst the 2nd website link is redacted (from Holt Parish Council's consultation response) on Dorset Council's website, this 2nd website link that the Parish Council refer to is provided below for information.

https://www.tripadvisor.co.uk/Hotel_Review-g551721-d2220899-Reviews-or30-Dilly_Dally_s_Naturist_Accommodation-Wimborne_Minster_Dorset_England.html

Lastly, as there is evidence that the buildings to the north-west/west are related to the tourist accommodation (outside of the blue red line boundary) would you be able to provide Title Deeds for the application site land, within both red & blue line boundaries?

I look forward to hearing from you.

Kind regards,
Ellie

Link to application **3/21/1384/CLP** on Dorset Council's website:
<https://planning.dorsetcouncil.gov.uk/plandisp.aspx?recno=375643>

Ellie Lee
Planning Officer
Economic Growth and Infrastructure
Dorset Council





dorsetcouncil.gov.uk



Ellie Lee

From: Holt Parish Council <clerk@holtparishcouncil.org.uk>
Sent: 16 August 2021 10:52
To: Ellie Lee
Subject: Planning Application 3/21/1384 CLP - Anchor Paddock, Batchelors Lane

Importance: High

Dear Ellie,

We note the above Certificate of Lawfulness Application for the above property and would like to reiterate our previous objection (as per evidence below) as this barn's former use has not been for agricultural purposes and therefore does not make it eligible for development under Part Q.

With Kind Regards,


Clerk to Holt Parish Council

www.holtparishcouncil.org.uk

From: [Holt Parish Council](#)
Sent: Thursday, February 18, 2021 1:19 PM
To: [Ellie Lee](#)
Subject: Planning Application 3/20/2281/PNAGD - Anchor Paddock, Batchelors Lane - additional information

Dear Ellie,

Please find below additional information relevant to the history of the above site in respect of the application to convert a machinery barn to a residential dwelling.

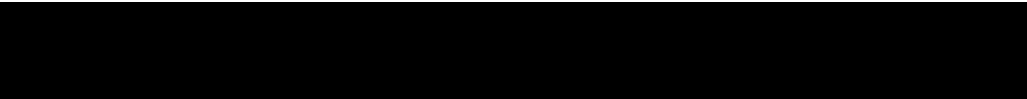
Trip Advisor comment highlighted below. Clearly, the barn was used as a guest dining area and games room.

Having looked at the seller's particulars (see link below) when this property was purchased recently, you can see that it certainly was in non-agricultural use.

<https://media.onthemarket.com/properties/7912577/1228256087/document-0.pdf>

A part of the structure is described as a games room, and another part a workshop. It is surrounded by domestic/leisure paraphernalia.

The site was around 2016 known as Dilly Dally's Naturist resort (see link below) which again hardly looks like agricultural use.


A Trip Advisor comment from a visitor states "... There is a comfortable lounge with sky tv, the aforementioned tea room and a large barn with a pool table which was the venue for an excellent Italian meal on the Friday night."

With Kind Regards,

[REDACTED]

Clerk to Holt Parish Council

[REDACTED]

www.holtparishcouncil.org.uk

From: [Ellie Lee](#)
To: [James Cain](#)
Subject: RE: 3/21/1384/CLP - Barn adjacent to Anchor Paddock, Batchelors Lane, Holt, BH21 7DS
Attachments: [Supporting Planning Statement.pdf](#); [Appeal Decision.pdf](#); [Officer Report_3211196PNAGD.pdf](#);
Sent: 01/04/2022 15:03:00

Good afternoon James,

Apologies for missing your call earlier today – I was in a meeting. I have now changed my out of office settings.

Thank you for your emails earlier today and yesterday.

I am happy to speak on the phone if you wish to discuss, but I won't be in a position to complete my report today or next week for the Certificate of Lawfulness application ref: 3/21/1384/CLP.

On the basis of the information submitted to date and given the concerns raised by the Parish Council, I would be minded to refuse the application, on the basis of the attached Appeal Decision ref: APP/U1240/A/14/2223567 (relating to application ref: 3/14/0537/PRIOR). In addition to the attached Appeal Decision for 3/14/0537/PRIOR, I have also attached the Officer report for application 3/21/1196/PNAGD at the same site (which refers to the appeal decision).

However, I would like to provide you the opportunity to provide more information at this time.

The agricultural holding at Anchor Paddock as a whole appears to have been bigger and of a mixed use - before 2013 and after 2013. If Title Deeds were available to be submitted (with dates included), then this could help to confirm.

From your email of 31st March, I understand that you are looking into getting hold of Title Deeds.

With regards to the attached Supporting Planning Statement (which refers to a prior approval change of use of an agricultural barn to form 1 no dwelling for application 3/21/2281/PNAGD), whilst I note that you confirmed by email that this document could be copied across from the previous 3/21/2281/PNAGD application, please could you re-confirm with a response to this email – as to whether the attached Supporting Planning Statement is the document you wish to be considered for the current application 3/21/1384/CLP?

In addition to the above, please could you also confirm by email that the provisions of Q.1 of class Q have been complied with?

In the Supporting Planning Statement for the PNAGD application, a small holding is referenced.

Would you be able to provide further information on the small holding including dates and any other available documents/plans?

Kind regards,
Ellie

Ellie Lee
Planning Officer
Economic Growth and Infrastructure
Dorset Council

[dorsetcouncil.gov.uk](https://www.dorsetcouncil.gov.uk)



From: James Cain [REDACTED]
Sent: 01 April 2022 11:42
To: Ellie Lee [REDACTED]
Subject: Re: 3/21/1384/CLP - Barn adjacent to Anchor Paddock, Batchelors Lane, Holt, BH21 7DS

Ellie

Further to my email below, I have tried to call this morning but your have an old out of office message still on.

Are you planning on issuing the Certificate because I have instructions from client to appeal? A chat today would be useful and certainly before you make any decision.

Best Regards,

James Cain
Director MA(Hons), MPlan, MRTPI
Planning Base Ltd

www.planningbase.co.uk

On Thu, Mar 31, 2022 at 5:52 PM James Cain [REDACTED] wrote:

Ellie

1. Yes please transfer the SPS from the prior approval application.
2. The prior approval application was not determined within the 56 days and so the applicant has a deemed consent.

3. Putting that to one side for the moment, the evidence provided by the Parish Council is ambiguous - there is reference to a pool table but that is clearly positioned away from the subject barn in the photo provided on the tripadvisor website (see below).



4. Regardless, the regulations are clear - the existing lawful use of the building on or before March 2013 is the test in law. I am sure that the Council records will have the barn and surrounding land as agricultural. There has never been any other change of use application made on the land and the extant use of the barn is 100% agricultural.

5. Given the deemed consent; the total compliance with the Class Q regulations and the fact that the subject land has always been that of an agricultural barn then the Certificate should be issued. I think the Council would be on uneasy ground at an appeal if the Certificate wasn't issued and of course given the amount of time that has passed since the Certificate of Lawful Use was validated, an appeal against non-determination is a real possibility should there be any further delays.

6. I am unsure why you would require Title Deeds regarding land outside of the application site blue and red lines? The application site is all that matters with regards to compliance with the Class Q regulations. I will see if I can source those for you.

Best Regards,

James Cain

Director MA(Hons), MPlan, MRTPI
Planning Base Ltd

www.planningbase.co.uk

On Thu, Mar 31, 2022 at 5:21 PM Ellie Lee [REDACTED] wrote:

Good afternoon James,

3/21/1384/CLP - Barn adjacent to Anchor Paddock (Convert machinery barn to residential dwelling):

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Ellie Lee
Planning Officer
Economic Growth and Infrastructure
Dorset Council



[dorsetcouncil.gov.uk](https://www.dorsetcouncil.gov.uk)



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Officer Report

Delegated Officer Report

Application Number:	3/21/1196/PNAGD
Proposal:	Convert the barn into a single storey three bedroom dwelling. All rooms, habitable and non-habitable, will have windows to provide natural light and ventilation. A car port is provided at the southern end, parking forecourt and garden to the rear.
Proposal:	GOLD OAK COUNTRY CABINS, GOLD OAK FARM, HARE LANE, CRANBORNE, BH21 5QT
Recommendation:	To refuse Prior approval
Case Officer:	James Brightman

Fee Paid:	£206.00	CIL Liable:	Yes
Publicity expiry date:	25 July 2021	Officer site visit date:	1/7/21
Decision due date:	9 August 2021	Ext(s) of time:	N/A
Where Scheme of Delegation consultation required under constitution:			
SoD Constitutional trigger:	N/A		
Nominated officer agreement to delegated decision		Date agreed:	

Relevant Planning History (most applicable in bold)

3/13/0016/HOU decision: GRA decision date: 27/02/2013

One and Two Storey Rear Addition (Remove Existing Lean-To Extension); New Canopy Porch; Render Existing Brick Elevations

3/13/0291/HOU decision: GRA decision date: 15/05/2013

Erection of Detached Garage Outbuilding

3/13/0523/HOU decision: GRA decision date: 22/07/2013

Erection of Detached Garage Outbuilding (Revised scheme to that approved under 3/13/0291/HOU)

Officer Report

3/13/1224/FUL decision: GRA decision date: 06/02/2014

The Provision of a Log Cabin as Office, Reception, Laundry and Storage Area for the Associated Holiday Business (Part Retrospective). (As amended by correspondence dated 13/01/2014 agreeing to implement the landscaping scheme)

3/13/1225/FUL decision: REF decision date: 11/06/2014

The change of use of land for the siting of a temporary occupational dwelling (mobile home)

3/14/0537/PRIOR DISMISSED appeal decision date 25/11/2014 Agriculture - overwintering of cattle and the storage of hay

3/13/1225/FUL appeal decision DIS appeal decision date 15/06/2015

The change of use of land for the siting of a temporary occupational dwelling (mobile home)

Constraints

LPA1k - LPA New Forest District Council - Distance: 0

AWOOD - Type: ancient woodland, Sub-Type Ancient Replanted Woodland - Distance: 156.53

ALC - Type: Grade 3 - Distance: 0

IRZS - Refer to map - Distance: 0

WILD - Species: BAT, Consult: Natural England 07825 844475 - Distance: 9.3

HTH2 - Heathland 5 km zone - Distance: 0

ROW - Status: Footpath, Legal Type: Definitive - Distance: 2.8

Policies

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

Adopted Christchurch and East Dorset Local Plan:

The following policies are considered to be relevant to this proposal:

- KS1 - Presumption in favour of sustainable development
- KS11 - Transport and Development
- HE2 - Design of new development
- ME2 - Dorset Heathlands

Officer Report

Other Material Considerations

Supplementary Planning Documents/Guidance

National Planning Policy Framework:

- Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

- Section 9 'Promoting sustainable transport'. Paragraph 111: Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings.
- Section 15 'Conserving and enhancing the natural environment': Paragraph 180 b) - development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.
- Section 15: Conserving and enhancing the natural environment': Paragraph 183 - Planning policies and decisions should ensure that: a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation); b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- Section 15: Conserving and enhancing the natural environment': Paragraph 185 a) - mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

National Planning Practice Guidance

Officer Report

Consultation Responses

Consultation Responses	No Objection	Object	Brief Summary of Comments
Town or Parish Council		X	<p>Application is a re-run of application 3/14/0537 which was dismissed at appeal APP/U1240/A/14/2223567 as the farm at that point in time referencing the criteria under class Q of the General Permitted Development Order didn't constitute an agricultural unit according to the Inspector.</p> <p>The holding is not considered an agricultural holding that can provide an income for the applicant.</p> <p>As the planning history indicates, there are a range of business activities on the holding.</p> <p>The dilapidated barn structure is totally inappropriate to be converted into a house, as it is a commercial unit having no intrinsic design or architectural merit.</p> <p>The neighbouring bungalow was granted permission under agricultural consent and may be deemed to be an existing agricultural dwelling on this holding.</p> <p>Within Alderholt there is also no SANG provision or phosphate mitigation.</p>
Ward Member(s)			No comments rec'd
Highways Officer			No consultation as the proposal is not likely to result in a material increase or a material change in the character of traffic in the vicinity of the site
Environmental Health			<p>The Council's Environmental Health section routinely ask for a condition to be imposed to require a contaminated land risk assessment for applications to convert farm buildings that have been used to house animals to dwellings to ensure the risk of contamination is addressed. In this instance no formal consultation was made, but verbal advice was given by an Environmental Health Officer that such a condition would be necessary.</p> <p>This is because under Part 2A of the Environmental Protection Act 1990, the starting point should be that land is not contaminated land unless there is reason to consider otherwise.</p>

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			In the case of the application site, there is reason to consider the land may be contaminated on account of its current and previous use for housing animals.
Third Parties <i>(list addresses)</i>			No comments received

Officer Assessment

The application

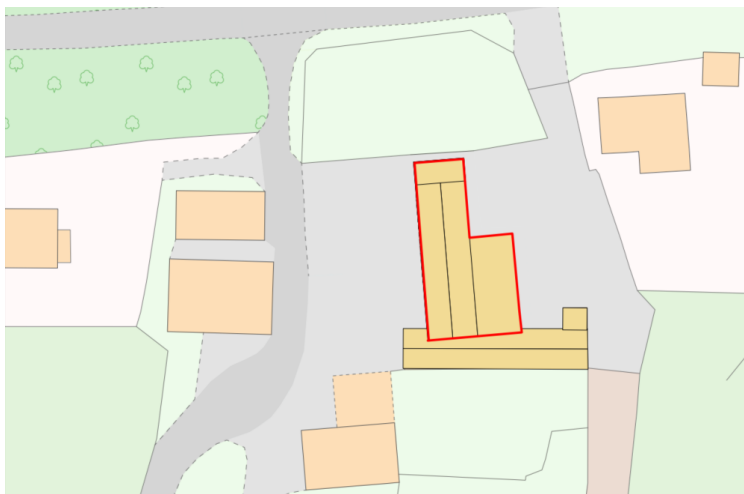
The application is to determine if prior approval is required for a proposed change of use of an agricultural building to a dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class Q. It is therefore made under Class Q (b)

Amended location and block plans have been provided to show the same red line area that represents the footprint of the barn subject of the application. The area of the barn is 295m².

The site

The agent has confirmed that the barn to be converted is primarily used for stabling of calves and occasionally pigs with an area given over to general storage of agricultural paraphernalia.

The application site is shown edged red below;



Assessment

Officer Report

Class Q lists development that is not permitted as follows. The Officer assessment in respect of these criteria is set out in italic text below the legislation text;

It is to be noted that for the purposes of the assessment, “established agricultural unit” means agricultural land occupied as a unit for the purposes of agriculture on or before 20th March 2013 or for 10 years before the date the development begins.

Development not permitted

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 comprises the building only. The application claims that the building ‘is primarily used for stabling of calves and occasionally pigs with an area given over to general storage of agricultural paraphernalia’. There is no evidence that the building was not in agricultural use as of 20th March 2013 however the planning history of the site is important in establishing whether the site was used solely for an agricultural use as part of an established agricultural unit.

The history reveals a dismissed appeal for a prior approval application to convert the former building that used to be attached to the building that is now applied for. The submitted block plan is as below. This building is no longer evident at the site as can be seen from the recent site photo also below.

Block Plan for 3/14/0537/PRIOR



View to east from inside access. Vertical posts are all that remains of barn relating to 3/14/0537/PRIOR

Officer Report



A planning application for the erection of ten holiday lodges at Gold Oak Farm was submitted in 2010 under ref: 3/10/0276/FUL. As part of that application a Landscape Appraisal dated September 2009 was submitted. Paragraphs 4.3.7 and 4.3.8 of this document describe the site as follows:

‘4.3.7 The overall site area contains farm buildings and storage areas that serve the mixed enterprises that form Gold Oak Farm. There are several small huts/shelters that serve the equestrian areas and fishing. An existing hard standing west of the north eastern area currently provides parking for fishermen’.

‘4.3.8 Gold Oak Farm is an agricultural holding and now largely depends on the rental of equestrian grazing and fishing and associated land uses’.

In 2013 a planning application was submitted for the change of use of land for the siting of a temporary occupational dwelling (mobile home) at Gold Oak Farm.

As part of that application, a report (Acorus Occupational Dwellinghouse Appraisal Ref; jhw/0909/0813 dated December 2013) was submitted to detail the amount of labour days spent on the different activities carried out at Gold Oak Farm.

It can be seen from the 2013 table that a total of 61.9 Standard Man Days (SMDs) were identified to be spent on grassland, calf rearing, rearing Stores and Turkeys, compared to 35 SMDs on the fish ponds, 208 SMDs on the holiday chalets and 270 SMDs on the DIY livery business.

In total 513 SMDs would be spent on the chalet, course fishing and DIY livery parts of the business, which equals approximately 89% of the time, with the remaining 11% on the agricultural business.

The above clearly demonstrates that Gold Oak Farm was in an established mixed use by December 2013 and had been so for a number of years. Therefore, the conversion of the barn to a dwelling cannot be carried out under Class Q as the site

Officer Report

is a mixed use so the site (i.e. the building) was 'not used solely for agricultural use within an established agricultural unit' as at 20 March 2013.

This view was supported by the Planning Inspector in dismissing an appeal against the 3/14/0537/PRIOR application where the Inspector considered that to benefit from the prior approval process to convert an agricultural building to a dwellinghouse, the site must also be part of an established agricultural unit.

The Inspector advised the following;

- *Gold Oak Farm comprises about 60 acres and the appellant's Occupational Dwelling House Appraisal (the Appraisal) dated December 2013 records a small agricultural enterprise, livery activity, fishing lakes and tourism enterprise and the tourism element consists of about 10 log cabins which are marketed by a national holiday company.*
- *In terms of labour requirements, the Appraisal says this represents about 62 standard man days (smd), and in contrast, in 2013-2014 the labour requirements for the other activities total over 500 smd rising to over 600 smd. Although the appellant appears to have land on a farm tenancy elsewhere this is not considered in the Appraisal.*
- *It appears that although about half the acreage of Gold Oak Farm is in agricultural use, some 89 % of the income is derived from the other activities so that farming activity appears to be a somewhat marginal activity. Moreover, part of the yard is used by a local builder. Thus, I consider, at best, Gold Oak Farm is in mixed use.*
- *It was concluded that Gold Oak Farm is not, as a matter of fact and degree, an established agricultural unit occupied as a unit for the purposes of agriculture.*

It is not considered that there have been any changes to legislation that would allow the Local Planning Authority to make an alternative determination for the current application. On this basis and in the absence of any information to the contrary it is considered the site is in a mixed use and therefore the proposal cannot be considered under Class Q.

(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;

The proposal is for single larger dwelling house therefore the proposal complies

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;

Officer Report

The proposal has a floor space of 295 q metres – therefore complies

(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;

The proposal has a floor space of 295 q metres – therefore complies

(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;

The proposal is not for smaller dwellinghouses

(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;

The total floorspace proposed is 295 sq metres - complies

(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;

There is only 1 dwellinghouse proposed and none stated to be on the other land controlled by the applicant - complies

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

The application form states there is no agricultural tenancy on the site

(f) less than 1 year before the date development begins—

(i) an agricultural tenancy over the site has been terminated, and

The application form advises that there is no agricultural tenancy on the site - complies

Officer Report

(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;

Not applicable

(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

The application form advises there has been no work undertaken to erect, extend or alter a building reasonably necessary for agriculture on the land since 20/3/13

(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;

This would be for the applicant in the event prior approval was not required or granted

(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;

The proposed plans do not show the external dimensions of the building extending beyond the external dimensions of the existing building at any given point – This criteria is met.

(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

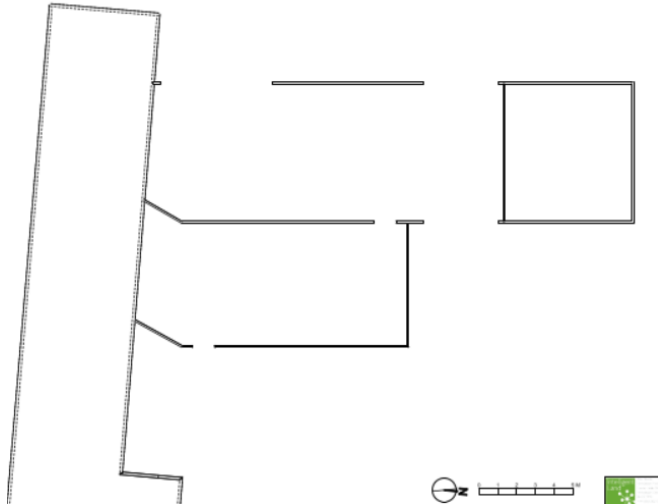
(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

Question 7 of the submitted application forms states that the proposed works would entail 'The addition of windows to all rooms and doors to front and rear, a replacement roof which does not change the height of the existing barn roof and replacement walls to ensure the building is constructed to the latest standards. All mains services will be provided to the new dwelling. A small 'lean to' area attached to the eastern elevation will be demolished allowing for the creation of a garden area.

Officer Report

The existing floor plans show a wall thickness of 0.12m for the walls of the building to be converted, whereas, the proposed floor plans show inner walls of 0.24m thick with a 0.05m thick external cladding. This is evident from the extracts from the submitted plans below;

Existing Floor Plans



Proposed Floor Plans



It is not clear what the extent of the proposed works are to judge whether they can be undertaken as part of a conversion. In order to benefit from the permitted development rights sufficient structural elements would need to be retained avoid the need for planning permission.

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

The site is not on this land

Officer Report

(k) the site is, or forms part of—

(i) a site of special scientific interest (SSSI);

The site is not and does not form part of an SSSI

(ii) a safety hazard area;

The site is not and does not form part of a safety hazard area

(iii) a military explosives storage area;

This site is not and does not form part of a military explosives storage area

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

The site is not a SAM and does not contain a SAM

(m) the building is a listed building.

The building is not listed

Despite the proposal failing to comply with paragraph (a) and paragraph (i) (i) of Part Q.1 of Class Q of Part 3 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended), an assessment of the matters for prior approval has been undertaken as below;

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,

The proposal is not likely to result in a material increase or a material change in the character of traffic in the vicinity of the site and therefore Dorset Council Highways was not consulted.

The transport and highways impacts of the proposal are acceptable accordingly.

(b) noise impacts of the development,

As a single dwelling, the proposal would not result in adverse noise impacts

(c) contamination risks on the site,

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The requirements for assessment of the application under Paragraph W require the Local Planning Authority to 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, 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 2012⁶⁵, and (ii) if they determine that the site will be contaminated land, refuse to give prior approval.

Part 2A of the Environmental Protection Act 1990 states that the starting point of assessing whether land is contaminated should be that land is not contaminated land unless there is reason to consider otherwise. In the case of the application site, there is reason to consider the land may be contaminated on account of its current and previous use for housing animals.

The Council's Environmental Health Officer has advised that a contaminated land risk assessment would be required for a proposal to re-use an agricultural building that has housed animals as there may be contamination present that would affect future occupants of the proposed dwelling.

If the application was to be approved, such an assessment would be required by planning condition.

(d) flooding risks on the site,

The site is not within an area at risk of flooding according to the latest Environment Agency Flood Risk mapping available on the gov.uk website [Flood map for planning - GOV.UK \(flood-map-for-planning.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/344222/flood-map-for-planning-GOV.UK-flood-map-for-planning.service.gov.uk) There are no flooding risks on the site accordingly.

(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

The building would front (to the west) a courtyard and the access track that serves the other parts of the site which include the holiday chalets known as New Forest Lodges further to the SW of the application site.

There is a hardstanding area/access to the east with the dwelling at Gold Oak Farm beyond. The extract from the Dorset Explorer aerial photo below shows this context where the building to be converted has a yellow marker;

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The relationship between the proposed dwelling and adjacent buildings, access tracks & hardstanding areas would not make it impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses).

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

The design and appearance of the building would be appropriate for its rural context

(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.

The plans show that all habitable rooms in the proposed dwelling would be provided with adequate natural light.

(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 (g), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application

N/A as the application is made under Class Q (b).

(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.

This is a matter for the developer in the event that prior approval is granted

Interpretation of Class Q Q.3.

For the purposes of Class Q— “larger dwellinghouse” means a dwellinghouse developed under Class Q which has a floor space of more than 100 square metres

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and no more than 465 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; “smaller dwellinghouse” means a dwellinghouse developed under Class Q which has a floor space of no more than 100 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order

Conclusions

Gold Oak Farm is in an established mixed use and has been for a number of years. Therefore, the conversion of the barn to a dwelling cannot be carried out under Class Q as the site is in a mixed use rather than an established agricultural unit as at 20th March 2013. It is recommended that Prior Approval is refused accordingly.

	Yes	No
Having regard to your answers to all the preceding questions, is the application considered to be acceptable?		X

Recommendation: Refuse for the following reasons.

Reasons For Refusal:

1. Gold Oak Farm where the application site is situated is currently in a mixed use including a holiday chalet business (New Forest Lodges), coarse fishing lakes, equine DIY livery and agriculture and this mixed use was in operation prior to 20th March 2013. On this basis, the site was not used solely for an agricultural use, as part of an established agricultural unit on 20th March 2013 and therefore the proposal fails to accord with the permitted development criteria at Class Q of Part 3 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended).

Informative Notes:

1. Should the applicant choose to appeal, they are advised that the site lies within 5km of internationally protected Dorset Heathland and therefore any proposal for a net increase in dwellings would need to benefit from a Regulation 77 approval under the Conservation of Species and Habitats Regulations 2017 in addition to compliance with permitted development criteria.

Case Officer Signature:	J Brightman	Authorising Officer Signature:	E Adams
Date:	23/7/21	Date:	09/08/2021



Supporting Planning Statement

Development at:

**Anchor Paddock, Batchelors
Lane, Holtwood, Wimborne
BH21 7DS**

Prepared By

James Cain MA(Hons),
MPlan, MRTPI

Planning Base Ltd
5 Seymer Close
Shillingstone
Dorset
DT11 0PH

December 2020

Background

Planning Base Ltd are instructed to submit an application under Class Q of The Town & Country Planning (General Permitted Development)(England) Order 2015 for prior approval change of use of an agricultural barn to form 1no. dwelling.

This is a criteria-led form of application and the Regulations are reproduced below for ease of reference.

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;
- (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;
- (c) the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds 3;
- (d) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- (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;
- (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;
- (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;
- (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;
- (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);
- (j) the site is on 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
- (m) the building is a listed building.

The first item is to establish whether the subject barn was in agricultural use on 20th March 2013 or whether it was in agricultural use prior to that date. The subject barn was part of a registered smallholding (Reference 11/264/0082) on that date.

A perusal of the planning history of the adjoining land proves that a Lawful Development Certificate was obtained in 2017 for use of the land C1 bed and breakfast accommodation. The red-line application did not include the subject barn and its curtilage as noted below.

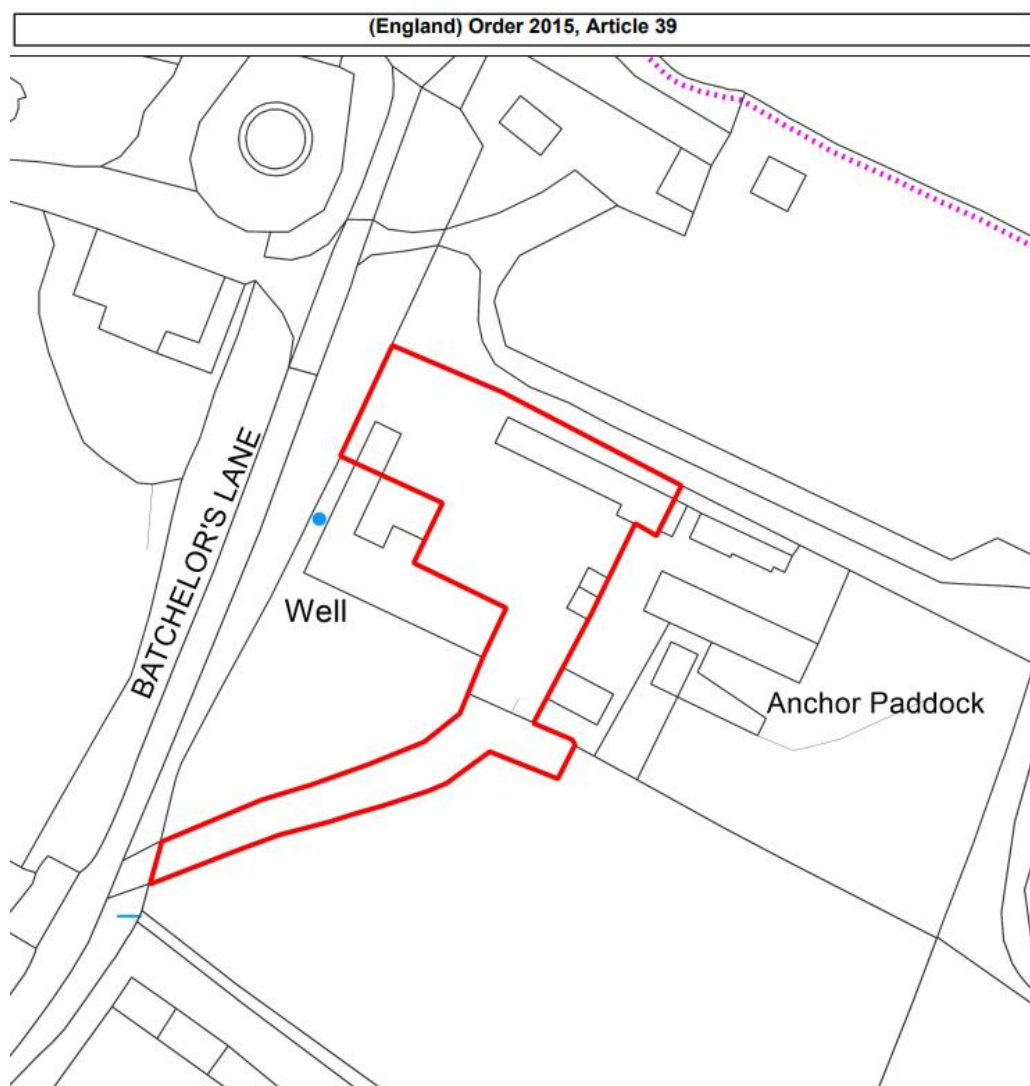


Figure 1 - 2017 CLEUD approval plan

The extant use of the land at Anchor Paddock that is outside of the red-line shown above can therefore only be agricultural as that was the last lawful use and this is proven by the smallholding registration.

There has been no intervening lawful use on the subject land upon which the barn sits other than agricultural. An aerial image from 2002 (below) shows the barn in situ.



Figure 2 - 2002 aerial photo

The nearest aerial photograph prior to the relevant date of March 2013 is one taken in 2009 which is reproduced overleaf. The barn is in situ and there are clearly some areas for the growing of vegetables evident to the south-east of the barn which ties in with the smallholding reference.



Figure 3 - 2009 aerial photo

It is clear that the barn was erected for agricultural purposes and there remains clear evidence of part of the barn (east side) being used to house and service agricultural machinery. There has been no other planning application to change the use of this land and so the extant use continues to be agricultural to this day as per the records of the local planning authority. The applicant submits that the barn was therefore in lawful agricultural use on the relevant date in March 2013.

Moving on through the criteria, the barn is less than 450m² of floorspace and the applicant is only proposing to change the use to form one dwelling. There are no issues with regard to any existing agricultural tenant on the land.

In terms of the building itself, there would be no extension of the footprint and a Structural Survey is submitted as part of this application to confirm that the

conversion to residential can take place without materially changing the built form of the barn.

There would be no requirement for demolition and the only external alterations would consist of replacing windows and doors and other essential works required to convert this into a home.

Furthermore, the site is not on Article 2(3) land or any other of the restrictive land uses under criteria K, L and M of the Regulations.

There are additional conditions under Q2 of the Regulations which are reproduced below.

- (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,

The subject site has its own dedicated vehicular and pedestrian access and there are considered no detrimental issues with regards to highway safety on this site. Clearly the use of the barn for agricultural purposes would have generated traffic movements of its own far in excess of that associated with one dwelling. There are no noise issues. The land uses to the west are residential and there are no industrial uses in this part of Holtwood. The land is not subject to any contamination risks and is in Flood Zone 1. The design and appearance of the building will continue in the same shape and form that it is currently.

It is respectfully requested that this application for prior approval be granted.

Appeal Decision

Site visit made on 20 October 2014

by Sukie Tamplin Dip TP Pg Dip Arch Cons IHBC MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 November 2014

Appeal Ref: APP/U1240/A/14/2223567

Building 1, Gold Oak Farm, Hare Lane, Cranborne, Dorset BH21 5QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class MB of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
 - The appeal is made by Mr John Butler against the decision of East Dorset District Council.
 - The application Ref 3/14/0537/PRIOR, dated 4 June 2014, was refused by notice dated 16 June 2014.
 - The development proposed is the change of use of an agricultural building and land within its curtilage to a dwelling. This is a steel framed agricultural building, previously utilized for livestock housing and hay storage. Change of use proposal is to convert the building to provide a dwelling. The building and its curtilage are shown on the submitted plan.
-

Decision

1. The appeal is dismissed.

Background and procedural matters

2. Schedule 2, Part 3 Class MB of the *Town and Country (General Permitted Development) Order 1995* (as amended) (GPDO) says that 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 (dwellinghouses) of the Schedule to the Use Classes Order together, with the building operations necessary to convert the building, are permitted development. This would be subject to various criteria and conditions set out in the GPDO.
3. The subject building was last used for agriculture but was substantially damaged by a snow fall in January 2013. At the time of my visit I saw that a significant part of the structure has collapsed, either at the time of the snow fall or afterwards.
4. There appears to be no dispute that the proposed development meets the requirements of paragraph MB.1 (b) (c) (d) (e) (g), (h) (j) (k) (l) and (m).
5. After the site visit the views of the parties were sought in respect of paragraph MB.1 (i) aa, bb and (ii) and MB.2 (1) (a)-(e). My decision takes into account the representations received.
6. The appellant says that he sought a determination for the Council on Class MB (a) only and that the design or external appearance of the building would be

established at a later date. But the description of the development includes conversion which is operational development under MB (b). However because he clarifies in his further comments that the external appearance would be a separate submission my assessment is restricted to the consideration of the change of use.

Main issues

7. The main issues in this appeal are whether the development meets the criteria and conditions in Paragraph MB.1 of the GPDO with particular reference to:
 - whether or not Gold Oak Farm is part of an established agricultural unit;
 - the impacts of the development having regard to the National Planning Policy Framework (the Framework).

Established Agricultural Unit

8. Schedule 2, Part 3 Class MB paragraph O says that agricultural building means a building used for agriculture. Although the word 'site' is not clarified, reading the interpretation as a whole it appears that site means the agricultural building and its immediate curtilage. The evidence shows that the subject building or site was not in use on 20 March 2013 but it appears to have been last used for agriculture¹. But the site must also be part of an established agricultural unit² if it is to benefit from permitted development (pd) rights under paragraph MB.
9. Gold Oak Farm comprises about 60 acres and is described in the appellant's *Occupational Dwelling House Appraisal* (the Appraisal) dated December 2013. This records a small agricultural enterprise, livery activity, fishing lakes and tourism enterprise. The last consists of about 10 log cabins which are marketed by a national holiday company.
10. Current stock numbers are not expected to increase. This activity amounts per year to 15 calves bought in at 7 days old and fattened as store cattle before being sold on; 60-70 turkeys for the Christmas market; and 10 weaners fattened to bacon weight. In terms of labour requirements the Appraisal says this represents about 62 standard man days (smd).
11. In contrast, in 2013-2014 the labour requirements for the other activities total over 500 smd rising to over 600 smd. Although the appellant appears to have land on a farm tenancy elsewhere³ this is not considered in the Appraisal. Consequently, it appears that although about half the acreage of Gold Oak Farm is in agricultural use, some 89 % of the income is derived from the other activities so that farming activity appears to be a somewhat marginal activity. Moreover part of the yard is used by a local builder. Thus I consider, at best, Gold Oak Farm is in mixed use.
12. The appellant refers to a prior notification decision in respect of a holding in Mid-Devon. But I have no details of this and whether it is comparable to the case before me including whether to a lesser or greater degree that enterprise

¹ MB.1 (a) ii.

² O Interpretation of Part 3 Established agricultural unit means agricultural land occupied as a unit for the purposes of agriculture.

³ Paragraph 3.3 Appellant's grounds of appeal

was diversified. It is a well established principle that each application and appeal is to be determined on its own merits and its own facts.

13. I have had regard to all the evidence before me, and conclude that Gold Oak Farm is not, as a matter of fact and degree, an established agricultural unit occupied as a unit for the purposes of agriculture.

Impacts of development

14. MB.2. (1) of the GPDO says that that the provisions of paragraph N shall apply to an application for Prior Determination under Class MB. Paragraph N (8) says that the physical impact of the development shall be considered as if the application were a planning application and when determining an application regard must be had to the National Planning Policy Framework. The appellant has provided evidence in respect of transport, noise, contamination and flood risk and I have no evidence to find that these aspects would be harmful or contrary to guidance in the Framework.
15. In terms of rural areas the Framework encourages housing where it would enhance or maintain the vitality of rural communities, but says that new isolated homes in the countryside should be avoided. The proposed dwelling at Gold Oak Farm would be isolated from even basic support services such as food shops, medical services, sources of employment and education facilities. The site is about 2 miles from the nearest village.
16. But in special circumstances isolated dwellings may be acceptable⁴: These are: 1) the essential need for a rural worker to live permanently at or near their place of work; 2) the optimal use of a heritage asset; 3). the re-use of a redundant building leading to enhancement; or 4) the design of a dwelling is of exceptional quality. Of these only 1) or 3) are relevant to this appeal.
17. As noted above the Appraisal concludes that agricultural activity only amounts to about 62 smd and it is not forecast that this would increase. This is considerably less than 275 smd⁵ which could indicate that there is an essential need for a rural worker to live permanently at or near their place of work. The Council refused planning permission for the siting of a temporary occupational dwelling at Gold Oak Farm in December 2013 partly on the grounds that the appellant had not put forward a compelling reason to justify the need to reside on site⁶. Although I understand the appellant's desire to live on site and note that the house originally associated with Gold Oak Farm is now in separate ownership, this personal circumstance does not outweigh the central premise of sustainable development.
18. The building is in very poor condition and whether or not it could be converted is a matter of dispute. But re-use as a dwelling would be likely to have a greater impact on the surrounding countryside than the insubstantial remnant of the agricultural building. The character and appearance of a residential use and associated domestic paraphernalia are likely to be significantly more intrusive in this countryside location and my visit showed that, at least in the winter months, the site is not well screened from the road. Nor is there anything before me to suggest that re-use would lead to an enhancement.

⁴ Paragraph 55: The National Planning Policy Framework

⁵ A measure of labour equivalent to a full-time labour unit used by standard texts and sourced in this case from the Farm Management Pocketbook (44th Edition 2014) referred to in the Appraisal.

⁶ Application reference: 3/13/1225/FUL refused on 19 December 2013

19. I acknowledge that the proposal would make a contribution, albeit modest, to tackling the shortfall of housing in the country and this is a benefit which weighs in favour of permission. But this needs to be considered in the context of sustainable development. I find that there is no evidence that there are special circumstances to support isolated development within the countryside, which the Framework seeks to avoid. Neither is it likely that the development would have a significant effect on the vitality of rural communities because the appellant is already living in a nearby village. I therefore find that the proposed development would not be sustainable and thus would undermine the core objective of the Framework.

Conclusions

20. I have found that the site for the proposed development is not an established agricultural unit. But even if I am wrong in this it would be 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. Consequently the proposed development would not accord with all the relevant provisos contained in Class MB and N of Part 3 of the GPDO so that the appeal is dismissed.



INSPECTOR