

## CHAPEL ALLERTON PARISH COUNCIL

### **Minutes of an Extraordinary meeting of Chapel Allerton Council held at 7pm on Monday 25<sup>th</sup> March 2024.**

In the Old School Room, Stone Allerton. BS26 2NL.

Present: Cllrs Blakemore, Wallach, Wathen, Williams & Torrens-Spence.

In attendance: S Millard-Jones – Clerk. Approximately 3 members of the public.

The meeting was opened at 7pm.

An opportunity will be given for Members of the Public to speak prior to the commencement of the Meeting.

- 1. Apologies for absence.** None
- 2. To receive declarations of personal/prejudicial/disclosable pecuniary interests.** None
- 3. To consider Planning Applications**

**15/24/00002** Application to determine if prior approval is required for a proposed: Change of Use of Agricultural Buildings to 1 No. Dwellinghouses (Class C3), and associated building operations.

It was **resolved** to object to the change of use under the prior planning regime to convert an agricultural building to a residential dwelling using Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. The grounds are as follows:

**1. It is a rebuild and not a conversion.**

- a. The Government's intention is that the permitted development right under Class Q to convert an agricultural building to a residential dwelling should only require rebuilding work which would not go beyond what which is reasonably necessary for the conversion to residential use
- b. *Hibbitt v. Secretary of State for Communities and Local Government* [2016] EWHC 2853 set down criteria as to what would constitute acceptable buildings for Class Q conversions. The implications of the decision are that open sided barns, hay barns and the like cannot be converted under Class Q. This is not an enclosed building suitable for conversion. Here the building comprises flimsy corrugated iron walls on two sides the other two being entirely open with no further supporting walls. The roof is of corrugated iron.
- c. The rebuilding work required to convert this agricultural building to residential goes beyond what is reasonably necessary for a conversion and therefore amounts to a new build and so does not qualify as a conversion for the purposes of Class Q.

**2. Structural Integrity:**

- a. It is requirement for Class Q that the building must be structurally capable of functioning as a residence without structural additions or reinforcements. This is the second application under Class Q relating to this barn. The first application (no 15/23/00004) was refused by the Council on 31 August 2023 on the grounds that "the structural report indicates that the existing building frame requires additional structural works to facilitate the conversion, and the extent of the works required is such that it is considered to amount to a fresh build"
- b. The structural surveyor in the first application considered that bracing and/or horizontal restraint beams to provide additional integrity should be considered. The report from structural engineer for the current application takes a different approach so it would appear that there is a divergence of opinion as to the structural integrity of the building. Additionally, the current structural engineer states it is only feasible that the building could be converted.

3. It is not clear from the drawing that the dimensions of the building would not increase as a result of the works with the addition of the glass exterior wall. But even if the dimensions of the building did not increase the works required to put two new exterior walls to the two sides of the building would still be considerable and not constitute a conversion for Class Q.

4. The area of land indicated with a red edge on the site plan would not meet the definition of “curtilage” as it appears to be a much larger area than allowed under Class Q. Curtilage for Class Q means the piece of land, (a) whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser.

5. The site sits in the countryside and the proposed dwelling will face the road and a public footpath. The road is the main thoroughfare between Stone Allerton and Chapel Allerton and as such is used every day by walkers and cyclists as well as vehicular traffic. The development would be inappropriate being in a prominent position and with the glass walled living area on view with all its domestic paraphernalia would take away from the rural nature of the area. There is currently no vegetation or hedging that would screen any new development.

6. There is no ecology survey which, whilst not being a statutory requirement for Class Q applications, provides the local planning authority with the comfort that they can meet their responsibilities under the Habitats regulations.

#### 4. To approve payments

To whom	Description	Net	VAT	Total
S Millard-Jones	Salary/expenses/HMRC March	£ 296.23		£296.23

It was **resolved** to pay the above by cheque/internet banking

Meeting Closed 7.24pm

---

Chair signature and date