

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**10<sup>th</sup> August 2023**

<b>Application No:</b>	DET/2023/0017	
<b>Location</b>	Land at North Plantation, Tenford Road Tean.	
<b>Proposal</b>	Change of Use of Agricultural Building to Dwellinghouse (Use Class C3) and for building operations reasonably necessary for the conversion.	
<b>Applicant</b>	Mr C. Pearce	
<b>Agent</b>	Mr Andrew Large.	
<b>Parish/Ward</b>	Checkley	<b>Date registered</b> 20 <sup>th</sup> June 2023.
<b>If you have a question about this report please contact:</b> Mrs L. Jackson <a href="mailto:lisa.jackson@staffsmoorlands.gov.uk">lisa.jackson@staffsmoorlands.gov.uk</a>		

**REFERRAL**

The Application has been called in by Cllr Mills for the following reasons:

- In her view it meets all the criteria for class Q and in particular the only building operations needed are those reasonably necessary for conversion as the barn is structurally sound.
- She feels that a suitable access can be achieved.
- Regarding noise, she considers that there is none.

**SUMMARY OF RECOMMENDATION**

**Refuse**

**1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

1.1 A large, detached, agricultural building constructed with a steel portal frame, Yorkshire Boarding, cement sheet roofing and concrete panels at lower wall level. The building is accessed via a lengthy farm track which rises in level from the roadside before reaching the crest of the field and then dropping down towards the building.

**2. DESCRIPTION OF THE PROPOSAL**

2.1 This is an application for Prior Approval under the provisions of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use of an existing agricultural building along with associated building operations.

2.2 The scheme involves conversion of the building to a single, large, 5 bedroom, detached dwelling. Other internal accommodation includes open-plan kitchen/dining/living room, sitting room, gym, storage, pantry, utility and WC. External amenity space would be provided at the front (south) of the property and includes parking for a number of vehicles (plan shows 3 spaces but there is scope for many more).

2.3 The application, the details attached to it, including the plans, any comments made by residents and the responses of consultees can be found on the Council's website at:-

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=171264>

This is a resubmission application following on from refusal of an identical scheme (reference DET/2023/0017) for the following reasons;

1. The application does not demonstrate that the building is capable of functioning as a residential conversion and that significant and extensive demolition and new structural elements would not be required. The proposal therefore fails to comply with Class Q.1(i) of Part 3 of Schedule 2 of The Town and County Planning (General Permitted Development) (England) Order 2015.

2. Insufficient information has been submitted concerning the previous approval for an egg unit to determine whether suitable vehicular access can be achieved to the site and the noise impact of the development. The proposal therefore fails to comply with Class Q.2(a) and Q.2(b) of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

### **3. RELEVANT PLANNING HISTORY**

DET/2023/0012	Application to determine if prior approval is required for a proposed change of use of agricultural buildings to one dwellinghouse (Use Class C3), and for building operations reasonably necessary for the conversion. Prior approval required and details submitted refused.
DET/2017/0003	Proposed change of use of Agricultural Building to 3 dwellinghouses. Refused.
DET/2016/0008	Conversion of an existing agricultural building into three dwellings. Refused.
SMD/2015/0105	Approval of reserved matters following outline approval (12/00255/REM1MJ) for erection of 9000 bird organic free range egg laying unit and access. Approved.
12/00256/REM_1	Extension of time for implementation of 10/00068/FUL, Agricultural workers mobile home (amended scheme of 09/00910/FUL) Variation of Condition 1 of 10/00068/FUL extension of time to 11/00106/REM_1. Approved.

12/00255/REM1M	Extension of time for implementation of 09/00465/OUT_MJ erection of 9000 bird organic free range egg laying unit and new access. Approved.
11/00106/REM_1	Variation of condition 1. of planning permission 10/00068/FUL-extension of time to 28.07.2012. Approved.
10/00068/FUL	Agricultural workers mobile home (amended scheme of 09/00910/FUL). Approved.
09/00465/OUT_MJ	Erection of 9000 bird organic free range egg laying unit and new access. Approved.
08/01421/OUT	Erection of 9,000 bird organic free range egg laying unit including new access. Refused.
07/01114/FUL	Shelter for livestock and storage. Approved.
06/00749/NOT_AG	Shelter for livestock and storage.

#### **4. PLANNING POLICIES RELEVANT TO THE DECISION**

4.1 The following Staffordshire Moorlands Local Plan policies are relevant to the application:-

##### Staffordshire Moorlands Local Plan

SS1	Development Principles
SS10	Other Rural Areas Strategy
H1	New Housing Development
DC1	Design Considerations
DC2	The Historic Environment
DC3	Landscape and Settlement Setting
NE1	Biodiversity and Geological Resources
T1	Development and Sustainable Transport
Appendix 2	Parking Guidance

##### Supplementary Planning Guidance

1. Design Principles for Development

##### Supplementary Planning Document

1. Staffordshire Moorlands Design Guide

##### National Planning Policy Framework

Including sections;

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy

9. Promoting sustainable transport
12. Achieving well-designed places
15. Conserving and enhancing the natural environment

#### National Planning Policy Guidance

#### Supplementary Planning Guidance

1. Design Principles for Development in the Staffordshire Moorlands

#### Supplementary Planning Document

1. Staffordshire Moorlands Design Guide

### **5. CONSULTATIONS CARRIED OUT**

Site Notice: Expired.

Neighbour notifications: Expired.

Letters of representation: None received within the statutory consultation period.

Checkley Parish Council: In the interest of fairness and openness the Parish Council can neither Support nor Object to this application as the Applicant is a serving member of Checkley Parish Council. Trust that the Planning Department gives this application the same consideration as if the Applicant was not a Councillor and ensures that is in keeping with neighbouring property, there are no local objections and it conforms with planning policies as defined in the Checkley Parish Council Regulation 16 Neighbourhood Development Plan, the Staffordshire Moorlands District Council Core Strategy and the National Planning Policy Framework.

Severn Trent Water: No representations received during the statutory determination period.

Waste Services (SMDC): No issues regarding waste collections. Bins to be presented on Tenford Lane on day of collection.

Environmental Health (SMDC): No objections subject to conditions.

Staffordshire Wildlife Trust: Confirm that the comments/conditions are the same as per previous application reference DET/2023/0012. The Wildlife Trust has no objections to the application.

Highways (Staffordshire County Council): Recommend condition. Response is based on the understanding that the egg production unit will not be implemented as previously approved. Should the egg production unit be reconsidered, revised application will be required. Current records show that there were no Personal Injury Collisions on Tenford Lane within 215m either side of the property access in the previous five years.

## 6. OFFICER COMMENT AND PLANNING BALANCE

### Principle of Development and consideration of Class Q criteria

6.1 The Town and County Planning (General Permitted Development) (England) Order 2015 (As amended) allows, within Class Q, for the change of use of an agricultural building and any land within its curtilage to a use falling within Class C3 (dwelling houses) as well as building operations reasonably necessary to convert the building into a dwelling house. For ease of reference Members are advised to read the Class Q requirements via the following web link <https://www.legislation.gov.uk/uksi/2015/596/schedule/2/part/3/crossheading/class-q-agricultural-buildings-to-dwellinghouses> It is clear that a Class Q development is not permitted if the site was not solely used for agricultural purposes as part of an established agricultural unit on (i) 20th March 2013, (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 20<sup>th</sup> March 2013, for a period of at least 10 years before the date development under Class Q begins.

6.2 Agricultural building is specifically defined at paragraph X to Part 3 as meaning a building “used for agriculture and which is so used for the purposes of a trade or business”. Part X (Interpretation of Part 3) states that for the purposes of Part 3 ‘established agricultural unit’ means agricultural land occupied as a unit for the purposes of agriculture and ‘agricultural building’ means a building (excluding dwelling house) used for agriculture and which is so used for the purposes of a trade or business; ‘agricultural use’ refers to such uses.

6.3 The application informs that the applicant’s ‘farming enterprise comprises a total holding of 332 acres, and operates as an organic dairy farm, with approximately 130 head of milking cattle each year.’ The Supporting Statement also confirms that ‘the subject building is predominantly utilised for the housing of cattle, with it also facilitating the storage of machinery, equipment, and materials, during the warmest months when all livestock has calved.’

6.4 The site visit confirmed the building is in agricultural use. There is a planning consent dated 5<sup>th</sup> December 2007 for an agricultural building. However the plans show the structure in a slightly different location. It is reasonable to conclude that the building currently on site is the one built as a result of the 2007 approval. It is also clear that the current use of the building is agricultural. Furthermore, previous applications to convert this building have accepted the established agricultural use of the building. For these reasons it is considered that the proposal complies with part Q1(a). The application building falls within the ‘larger’ dwellinghouse category. The scheme complies as the proposal is for a single dwelling only and the cumulative floorspace does not exceed 465sqm. Part Q1(b) is satisfied.

6.5 Part Q1(c) is not relevant as this is not a ‘smaller dwellinghouse’ as defined by the Order. A “larger dwellinghouse” means a dwellinghouse developed under Class Q which has a floor space of more than 100 square metres and no more than 465 square metres. A “smaller dwellinghouse” means a dwellinghouse developed under Class Q which has a floor space of no more than 100 square metres. Due to the floor space size, Q1(d)- is complied with.

6.6 Q.1(e) and (f) relates to agricultural tenancies. The applicant has declared (application form) that there is/are no agricultural tenant(s) and that no agricultural tenancy agreements been terminated in the year prior. There is no evidence to suggest otherwise.

6.7 The Class Q requirements within Q.1(g) are only concerned with whether any development has been carried out under Part 6 under any of the following circumstances.

- (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.

The application accords with these provisions.

6.8 The submitted plans show that the proposed conversion would not include the enlargement of any part of the building. As such the scheme is considered to accord with paragraph Q1(h).

Q.1(i) states that the development is not permitted under Class Q if 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 dwelling house;

and

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

6.9 The site has a history of refused applications for conversion to residential use. Although DET/2017/0003 proposed a building with a different appearance, and conversion to 3 dwellings rather than one many of the matters considered by the Committee in refusing the application at that time are the same. The same issues and considerations were also raised in respect of the identical, recently refused DET/2023/0012 application. Similar to these refused schemes, there would have to be significant areas of construction works for the intended residential use. The entire south elevation would have to be altered, large, open bays filled in and the roller-shutter doors removed and replaced with wall and windows. Alterations would be needed to other elevations including new openings and additional external walling materials. The existing building does not appear to be completely weatherproof, for example there are clear gaps between the timbers of the Yorkshire Boarding. As was noted during previous refusals, the existing walls give no assistance to making the building habitable and extensive structural works would be required to make it so. It had previously been suggested by the applicant of DET/2017/0003 that the existing exterior boarding could be retained rather than replaced, but this was not considered suitable as it would not contribute to structure or habitability. This is still the case (as it was within DET/2023/0012) and the success of the scheme would be reliant on new build, especially along the lengthy, open bay areas. It is widely known that 'it is not the intention of the permitted development right to include the construction of new structural elements for the building,' it is argued that the construction of 4 large walled areas are structural elements. The proposal therefore fails to accord with condition Q1. (i)

6.10 It has already been mentioned that this application submission is identical to that refused by application reference DET/2023/0012. No additional information has been submitted relating to the actual physical works needed. Rather, the Supporting Statement focuses on how the applicant feels their scheme is be similar to other

application submissions within the Staffordshire Moorlands district. References to other schemes were provided as part of the recently reused DET/2023/0012 application but irrespective of these outcomes, the fact of the matter is that two residential schemes have been refused on this site without either going to appeal. There is no new site specific evidence or appeal decision in place which would overturn the concerns regarding structural alterations. It is important to note that each application is determined on its own merits and what may be acceptable for some developments/locations, may not be acceptable in other cases, given that each building has differing characteristics.

6.11 Further criteria within the Class Q provisions are that the site cannot be on article 2(3) land, it must not form part of a site of special scientific interest, a safety hazard area or a military explosives storage area and, should not contain, a scheduled monument and/or any listed building. The scheme complies with these matters and so is acceptable in terms of compliance with sections Q.1 (j), (k) and (l).

6.12 Part of the Class Q(a) allowance is for land within the curtilage of the building to change its use from agricultural to domestic. Part X (Interpretation of Part 3) defines 'curtilage' as a) the piece of land, 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. The proposed residential curtilage would be 395 square metres and complies with the requirement for curtilage size.

6.13 Condition Q2 of Class Q requires the Local Planning Authority to determine whether or not prior approval is required in respect of;

- (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 (dwelling houses) of the Schedule to the Use Classes Order.

The provisions of paragraph W (prior approval) must also be applied and the Local Planning Authority must have regard to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

#### Transport/Highways

6.14 The County Highways officer raised no objections (subject to a condition) during consideration of previously refused application DET/2023/0012. The 'no objection' stance remains the same now and a condition is proposed to secure some bound surfacing material to the rear of the access. It is essential to note that the County Highways officer made this recommendation based on the understanding that the egg production unit (09/00465/OUT\_MJ) will not be implemented as previously approved. The Highways officer also states that 'should the egg production unit be reconsidered a revised application will be required.'

It was during determination of DET/2023/0012 that it became apparent there was a potential issue with the access as a result of the previously approved egg unit scheme. One of the conditions (number 16 of 09/00465/OUT\_MJ) stated that;

*'Within 3 months of the proposed development being brought into use the existing field access made redundant as a consequence of the development hereby permitted by this consent and as shown on submitted Drawing No. IP/CP/01 shall be permanently closed and the access crossing reinstated as verge in accordance with details first to be submitted to, and approved in writing by the Local Planning Authority.*

*Reason: In the interests of highway safety.*

6.15 There is information on historic planning application files from the applicant confirming that the egg production consent has been implemented, this has again been confirmed within the latest version of the Supporting Statement as follows: *'A start on the development was made, with the new access being installed, as per the plans which were also granted consent. Hence, a material start on the development has been made which is clearly evident on Google Earth, during a site visit, or photo evidence can be provided for the avoidance of any doubt. '*

6.16 One of the reasons for refusal of application DET/2023/0012 was because of insufficient information being submitted to demonstrate a viable vehicular access route to the site. The applicant contends that the access, which was intended to serve the egg production unit, has been lawfully constructed in accordance with the approved plans. The applicant also contends that because construction of the egg production unit itself has not commenced, condition number 16 has not been triggered in the sense of the original (western) access having to be closed within 3 months and therefore the original access further to the west is a viable route to accessing the proposed Class Q development. The applicant's reasoning would mean that two accesses would be opened and useable.

6.17 This stance is problematic. Regardless of whether the egg production unit building has actually been built, the applicant is claiming that the approval has been implemented by virtue of the access having been created. In the event of this being correct it would mean the remaining egg unit development could be carried out/completed at any time which would then trigger the requirements of condition number 16. If in the mean-time, permission was issued for the residential conversion of the agricultural building, it would mean that it would be impossible to comply with condition 16, where closure was required. For these reasons it is not possible to categorically confirm whether there is suitable access to the proposed residential conversion. *This matter has been raised before. The situation could lead to two vehicular accesses within the same area which have not been considered together by County Highways. The Highways officer required an access to be shut when approving the egg unit access, the reason being in the interests of highway safety. The Highways officer comments relating to the residential conversion application could be different if it had been established that there would be two accesses. There is therefore insufficient information to demonstrate transport/highways acceptability.*

#### Noise

6.18 No objections raised within the consultation response from Environmental Health however there is no reference to the close proximity of the egg production unit approval. Notwithstanding this, noise and disturbance matters have previously been raised by case officers. No information regarding noise/disturbance has been submitted with this application.

#### Contamination

6.19 Environmental Health officer's raise no contamination objections, commenting that 'The site has historically been used as an agricultural building/farm and may



have some minor associated contamination (chemicals/asbestos from old buildings). However, the extent (if any) of any associated, soft landscaping garden areas is not clear from the submitted plans. If no garden areas are proposed then little or no associated contamination risk would appear to exist however, if garden areas are proposed, it would be advisable that all soft landscaped/garden areas are tested for contaminants (including Asbestos screen) to ensure suitability of use.' Environmental Health recommend conditions to cover unexpected contamination and soil testing.

#### Flooding

6.20 The application site is not within any area known for flooding.

#### Location/Siting of the building

6.21 This point allows for consideration of whether the location or siting of the building makes it impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwelling houses).The unknowns surrounding highways/transportation and noise render it impossible to determine whether the location is acceptable with regards to the Class Q provisions.

#### Ecology

6.22 Staffordshire Wildlife Trust confirms that the comments/conditions remain the same as per previous application reference DET/2023/0012, where no objections were lodged. The Wildlife Trust has no objections to the application and recommend a number of conditions in the event of the application being approved.

## **CONCLUSION**

6.23 For the reasons set out above it is not considered that there is any reason why the Committee should reach a different conclusion to the one that it did in 2017 that due to excessive building works required which go beyond the provisions of the Permitted Development Rights the application fails to comply with Class Q of the General Permitted Development Order and should be refused. Furthermore, insufficient information has been provided with regard to the extant consent for an egg production unit to determine highways/transport and noise impacts of the development. Accordingly, the application is again recommended for refusal. .

## **7. OFFICER RECOMMENDATION**

**REFUSE for the following reasons:**

- 1. The application does not demonstrate that the building is capable of functioning as a residential conversion and that significant and extensive demolition and new structural elements would not be required. The proposal therefore fails to comply with Class Q.1(i) of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.**
- 2. Insufficient information has been submitted concerning the previous approval for an egg unit to determine whether suitable vehicular access can be achieved to the site and the noise impact of the development. The proposal therefore fails to comply with Class Q.2(a) and Q.2(b) of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.**

**B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/in formatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's Decision.**

