

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**25<sup>th</sup> April 2024**

<b>Application No:</b>	DET/2023/0044	
<b>Location</b>	Ladygreen Farm, Huntley Road, Denford	
<b>Proposal</b>	Application to determine if prior approval is required for a proposed: Change of Use of Agricultural Buildings to 2 Dwellinghouses	
<b>Applicant</b>	Mr Brian Badger	
<b>Agent</b>	Michael Bamford, Planning Design Practice Ltd., Derby	
<b>Parish/ward</b>	Cheddleton / Cheddleton	<b>Date registered</b> 4 <sup>th</sup> December 2023
<b>If you have a question about this report please contact:</b> Arne Swithenbank tel: 01538 395578 or e-mail <a href="mailto:arne.swithenbank@staffs Moorlands.gov.uk">arne.swithenbank@staffs Moorlands.gov.uk</a>		

**REFERRAL**

The application is a Prior Notification for change of use under GPDO(2015) Schedule 2 Part 3 Class Q and is referred to Committee at the request of Cllr Mike Worthington.

**1. SUMMARY OF RECOMMENDATION**

<b>REFUSE</b>
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**2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The site is in the open rural countryside and Green Belt and is reached passing two other dwellings along a single-track farm lane some 450m from the minor Huntley Road. The northerly gable ends of the application buildings are visible from Huntley Road. The buildings are perched side by side on a levelled rise of ground above the two dwellings at Ladygreen Farm – an original traditional stone farm house and attached converted stone barn. The land rises again to the west of the site to the well-known outlook of Cats Edge. Public footpaths from north, east, south and west converge at Ladygreen Farm and pass close by the south and east sides of the site. The location is in the ‘Ancient Slope and Valley Farmlands’ landscape character type and the assessed landscape quality at this location is ‘high’ in the county-wide context (level four on a five point scale where five is highest).

2.2 The buildings are a more-or-less matching pair set 2.8m apart in parallel. They are typical late 20<sup>th</sup>C farm sheds with c.2.0m high block work base walls on three sides and grey corrugated cement-fibre type sheet

coverings above and to the roofs which are dual pitched with c.5.0m ridge height.

2.3 Concrete former livestock yards now disused and somewhat overgrown surround to the northerly and westerly sides.

### **3. DESCRIPTION OF THE PROPOSAL**

3.1 Conversion to two single storey dwellings each with three double bedrooms and gross internal floor space of 156m<sup>2</sup> and 170m<sup>2</sup> respectively.

3.2 According to the Planning Statement (para 3.3) the scheme: *“proposes minimal alterations to both barns. The existing cladding will be retained, as will the existing blockwork, with new window openings throughout both barns”*. Again at para 3.5 the submission states that: *“The existing cladding and blockwork will provide the external materials for the conversion and the roof will be retained”*.

3.3 The proposed site layout drawing (004 C) shows two parking spaces for each dwelling and an area of outside amenity space.

3.4 The application is accompanied by a Planning Design and Access Statement (19pp) plus appendices A and B reproducing appeal decisions from elsewhere referenced 3277013 and 3202031; structural calculations dated September 2021 revision A and a drawing (3479-006) to illustrate a construction method.

### **4. RELEVANT PLANNING HISTORY**

4.1 None specific to the proposal buildings. Though no longer in use the outside areas have evidently served livestock handling and related functions in times past.

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

5.1 The development plan comprises the adopted Staffordshire Moorlands Local Plan Document SPD/SPG and supporting evidence documents.

#### **Local Plan (adopted 9<sup>th</sup> September 2020)**

SS1	Development Principles
SS2	Settlement Hierarchy
SS10	Other Rural Areas Area Strategy
SS11	Churnet Valley Masterplan area
DC1	Design Considerations
DC3	Landscape and Settlement Setting
H1	New Housing Development
NE1	Biodiversity and Geological Resources

NE2 Trees, Woodland and Hedgerows  
T1 Development and Sustainable Transport

**National Planning Policy Framework December 2023**

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 5 Delivering a sufficient supply of homes; 8 Promoting healthy and safe communities; 9 – Promoting sustainable transport; 11 – Making effective use of land; 12 – Achieving well-designed and beautiful places; 13 – Protecting Green Belt Land; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

**Adopted Supplementary Planning Documents/Guidance (SPD/G):**

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

**Local Plan Supporting Evidence Documents:**

- Landscape and Settlement Character Assessment (2008)

**6. CONSULTATIONS CARRIED OUT**

**Public**

- 6.1 A site notice was posted at the junction with Huntley Road on the 20<sup>th</sup> December 2023 for responses by 13<sup>th</sup> January 2024 (allowing for bank holidays).
- 6.2 No representations have been received.

**Parish Council**

- 6.3 Cheddleton Parish Council – no response received.

**SMDC Waste Collection Services**

- 6.4 Comment: “No issues regarding waste collections”.

**SMDC Environmental Health**

- 6.5 No objection subject to conditions. Opinion is that this application should be subject to a full planning application due to the number of conditions advised to protect the local environment, human safety and neighbourhood amenity.
- 6.6 An asbestos survey and risk assessment should be carried out prior to the development of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended they are

contacted directly by the applicant / developer to discuss the requirements:  
<http://www.hse.gov.uk/>.

- 6.7 Full contamination assessment not required but advised that all soft landscaped / garden areas are tested for contaminants (including Asbestos screen ) to ensure suitability of the area for garden use.

### **Staffordshire County Council Highways**

- 6.8 No objection.

Recommendation Summary: Acceptance

Site visit conducted: 1<sup>st</sup> January 2024 [sic]

Personal Injury Collisions: Current records show that there were not any Personal Injury Collisions on Huntley Road 215 metres either side of the property accesses for the previous five years.

Background: Huntley Road is a classified road (Road No. C83) with a speed limit of 60 mph. Huntley Road has no footways on either side of the carriageway only grass verge. The road is unlit.

Description of Proposal: Application to determine if prior approval is required for a proposed: Change of Use of Agricultural Buildings to 2 x 3 bedroom dwellinghouses.

Comment: Access is via an existing private road connecting to Huntley Road. It is stated that this is a replacement of existing agricultural use to residential use therefore, replacement of agricultural vehicles with car movement.

The application is submitted in accordance Class Q, Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 that permits the change of use and conversion of an agricultural building to a dwellinghouse or dwellinghouses (Use Class C3).

There are sufficient parking spaces provided in line with the car parking guidance for Staffordshire Moorland parking Standards.

Recommendations: I have no objection (on Highway grounds) to the proposed development.

### **Peak and Northern Footpaths Society**

- 6.9 No objections raised but comment that the public footpaths (PROW) Cheddleton 1 and 11 are close to the proposed site. Use of the PROW, and the safety of users must not be affected by the development, nor during the work taking place.

## 7 POLICY AND MATERIAL CONSIDERATIONS / PLANNING BALANCE

### Policy Context

- 7.1 In its general approach, in accordance with policy SS1, the Council expects the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. This means that planning applications that accord with the policies in the Core Strategy shall be approved without delay, unless material considerations indicate otherwise.
- 7.2 The Development Plan for the Staffordshire Moorlands District Council consists of the adopted Staffordshire Moorlands Local Plan Document (September 2020) with regard also being given to the provisions of the National Planning Policy Framework (NPPF); the Council's adopted Supplementary Planning Guidance documents: 'Space About Dwellings' and 'Design Principles'; the adopted Design Guide (2018) a Supplementary Planning Document and the Council's Local Plan Supporting Evidence Document: Landscape and Settlement Character Assessment (2008).
- 7.3 Development boundary mapping has been adopted in accordance with the new Local Plan (September 2020). The Local Plan places this location in the Other Rural Areas area policy governed by SS10. Policy SS10 for the rural areas is that:
- "These areas will provide only for development which has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside".
- 7.4 This application however has been submitted under Class Q of Part 3 to the GPDO (2015) Schedule 2. This is a form of Permitted Development but one which is subject to the Local Planning Authority making a determination as to certain matters.

### Principle of Development and Main Issues

- 7.5 Subject to a series of detailed criteria set out under Part 3 of Schedule 2 to the General Permitted Development Order (2015) Class Q, the conversion of a building "*in use as an agricultural building*" as part of an established agricultural unit on 20th March 2013, or when last in use prior to that, can be converted to a dwelling. Agricultural building is specifically defined at paragraph X to part 3 as one "*used for agriculture and which is so used for the purposes of a trade or business*".

- 7.6 The local planning authority may refuse an application where, in the opinion of the authority—
- (a) the proposed development does not comply with, or
  - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.
- 7.7 The local planning authority must, when determining an application—
- (a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) [highways] or (6) [flooding] and any notice given under sub-paragraph (8) [public consultation];
  - (b) have regard to the NPPF(Dec 2023) so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
- 7.8 Publicly available air photos show the buildings to have been present at least since 2003. No evidence has been found to demonstrate the type of usage being made of the buildings at this date or subsequently other than as they are seen at the present day. The application states (para 4.3): “The building was used for the storage of agricultural machinery. The building has been used for agricultural purposes for many years and was part of an established agricultural holding on the 20th March 2013”.
- 7.9 The main issues to consider as set out in the GPDO under Part 3 Class Q are:
- Whether or not the application and proposal details as submitted comply with GPDO (2015) in particular Schedule 2 Part 3 Class Q – permitted change of use;
  - transport and highways impacts of the development;
  - noise impacts of the development;
  - contamination risks on the site;
  - 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;
  - the design or external appearance of the building;
  - the provision of adequate natural light in all habitable rooms of the dwelling house;
  - provisions of Part 3 paragraph W (prior approval) including “assessments of impacts or risks”.
- 7.10 In terms of transport and highways impacts; noise impacts; and flooding risks, the consultation responses and planning constraints data held by the LPA show there are no issues of concern under these headings. In terms of whether the location or siting makes it otherwise impractical or undesirable, there are no concerns as to practicality.
- 7.11 In terms of whether the location or siting would make the development undesirable it is appropriate to consider the implications for the character and appearance of the area. The applicant at 4.39 of their submitted Planning

statement says that *“the character and appearance of the countryside would not be harmed by the proposed development. The proposed development seeks to retain and convert the existing buildings whilst retaining their agricultural appearance. Whilst this will result in a modest degree of domestication to the buildings, it is not considered sufficient to be harmful.”*

- 7.12 Considering this in more detail it will be noted from paragraph 2.1 of this report that the location is within an area considered to have ‘high landscape quality’ in the county-wide context (level four on a five point scale where five is highest). The introduction into this location of two dwellings would bring impacts in terms of domesticity – the inevitable accoutrements and paraphernalia of residential life including parked vehicles and garden items, outdoor lighting and light from large windows inserted into blank existing elevations. The large-windowed elevations of each conversion would be visible from Huntley Road and the development as a whole would be open to view from the several public footpaths which converge through the farm. Taken together these considerations lead to a conclusion that the development would be a prominent intrusion into the countryside and therefore would be contrary to policy DC3.
- 7.13 As noted at 7.7 above the LPA must determine a Class Q development with regard to the NPPF as if the proposal were a Planning Application. NPPF paragraph 135 sets out a series of requirements including that the decision should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.14 Whilst these types of buildings are common-place as farm sheds they have no connection with the rural building tradition when altered to form dwellings and as such they often then become odd and out-of-place. In addition to the identified conflict with policy DC3 there are therefore design conflicts with policy DC2. This is notwithstanding that Class Q provides for conversion works in principle if reasonably necessary – as the applicant sets out at 4.41 to their Planning Statement.
- 7.15 In order to qualify as an eligible building for conversion under Class Q one of the fundamental requirements is that the building must be ‘capable of conversion’ without necessitating re-building. The structural assessment accompanying the application concludes:
- Main frame calculations show that the primary steelwork is sufficient to bear proposed loadings.
  - Small areas of steelwork where there is significant degradation and delamination should be cut out and re-plated. This is necessary only to the main portal frames – not to the doorposts and gable columns.
  - Depth and extent of foundations has not been established, but there is no reason to suspect that they are not adequate.

- Plan and elevation bracing is adequate.
  - Existing gable columns are adequate.
  - Calculations have not been performed on the timber siderail system, since it is assumed that the cladding and low blockwork walls will be removed and a masonry cavity wall established at the building perimeter. It should be ensured that masonry wall panels are designed with sufficient restraint.
  - Calculations have not been performed on the timber purlin system, since it is assumed that new cold-rolled steel purlins will be installed to suit new insulated cladding. Use new Metsec 172.Z.14 or equivalent butt-system purlins at 1800mm centres.
- 7.16 It is notable that the assessment assumes that the “cladding and low blockwork walls will be removed and a masonry cavity wall established at the building perimeter”. To suggest anything less would not be credible – i.e. that someone would invest in forming a dwelling using the low-grade or deteriorate and degraded exterior of the building as it is currently.
- 7.17 This need to replace walls on all sides raises the issue of whether in fact the proposal amounts to a re-build rather than strictly a conversion.
- 7.18 The PPG refers readers to the Hibbitt case (2016) heard by Mr Justice Green in the High Court and addressing to what extent re-building might be allowed for by Class Q. He noted that the concept of “conversion” was contained in the overarching provisions of Class Q and therefore: “introduces a discrete threshold issue such that if a development does not amount to a "conversion" then it fails at the first hurdle”. The later provisions of Q.1 that allow “building operations” that may be “reasonably necessary” are subordinate to the primary threshold which is one of “conversion” [para.26 in the judgement].
- 7.19 The case followed a dismissed appeal in which the building had been held out as being structurally sufficient to take the loading of the of new walls (as here) and the Inspector had found no evidence to counter this and had been provided with structural calculations but found nonetheless the necessary building work in other respects to go well beyond conversion.
- 7.20 Mr Justice Green considered the matter as to what was conversion or re-build to be one of “legitimate planning judgment as to where the line is drawn”. He coined the term ‘fresh-build’ to represent a situation where the structural frame would remain but the walls would in effect be built afresh commenting, “In fact a more apt term than "rebuild", which also encapsulates what the Inspector had in mind, might be "fresh build" since rebuild seems to assume that the existing building is being "re" built in some way. In any event the nub of the point being made by the Inspector, in my view correctly, was that the works went a very long way beyond what might sensibly or reasonably be described as a conversion. The development was in all practical terms starting afresh, with only a modest amount of help from the original agricultural building.”
- 7.21 Paragraph 105 of the Planning Practice Guidance (PPG) states that: “it is not the intention of the permitted development right [under Class Q] to allow rebuilding work which would go beyond what is reasonably necessary for the



conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.

- 7.22 The PPG at 105 says that: “The right [under Class Q] permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement 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; and partial demolition to the extent reasonably necessary to carry out these building operations.” It is a matter of judgement for the decision maker as to whether the works outlined in this proposal accord with or exceed the permitted amount. It is the officer view in this case that the works here are very much akin to what the judge in Hibbitt found amounted “in all practical terms [to] starting afresh, with only a modest amount of help from the original agricultural building” and therefore the proposal should not be supported under Class Q – indeed is not supported by the parameters which have been laid down for decisions to follow.
- 7.23 According to the Planning Statement (at 4.3) “The building was used for the storage of agricultural machinery. The building has been used for agricultural purposes for many years and was part of an established agricultural holding on the 20<sup>th</sup> March 2013.” Whilst the LPA has no information to the contrary and the current state of the buildings is not inconsistent with this, and the associated yards do indicate a one-time agricultural use, there is no corroborating evidence with the application to substantiate the claim. It is open to the LPA under Part 3 paragraph W (3) to refuse a Class Q application where, in the opinion of the authority—
- (a) the proposed development does not comply with, or
  - (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions limitations or restrictions specified in this Part as being applicable to the development in question.

### **Other matters**

- 7.24 There are no references in the application to ecology or protected species and paragraph W (9a) allows an LPA to take impacts or risks from the development into account and these could include risks to protected species such as bats. In the case of these buildings however the officer view is that they are unlikely to provide habitat or roost sites for protected bat species. The matter could be dealt with in the event of permission by way of informatives.
- 7.25 Class Q requires adequate natural light in all habitable rooms. From the room layouts and window elevations this appears to be satisfactorily provided for here.

## **8. Conclusion and Planning Balance**

- 8.1 Although it perhaps appears likely, there is no certainty that this building was in use agriculturally at the relevant date or when last in use nor is it shown when the building ceased in agricultural use. In the absence of information to the contrary it may on balance be accepted that this building was likely to have been in use agriculturally at the relevant date or when last in use.
- 8.2 More fundamentally the LPA cannot be satisfied that the two buildings in the application are capable of conversion without significant new-building work taking place, notwithstanding that the primary support columns may be adequate. From the report discussion at 7.17 to 7.22 (above) it can be concluded that the works entailed go beyond 'conversion' and refusal must be recommended for this reason. It should be noted that the agent has drawn attention to a Staffordshire Moorlands appeal 3202031 at Hayes Gate Farm, Oakamoor where an Inspector accepted a degree of replacement building work but it is the LPA view that the sites and their structures differ and in this case go beyond a reasonable threshold.
- 8.3 There remain two significant further concerns with this proposal – impact on local character and appearance and design. The compromised external appearance of the development – two 20<sup>th</sup> C farm sheds brought into use as dwellings – has no place or linkage to the rural building tradition and would therefore, as dwellings, seem wholly at odds with the rural location and any understood expectation of how a residential dwelling may look in this environment.
- 8.4 Although the Council is currently unable to demonstrate a five year housing supply and this would lend weight in support of the scheme if it were otherwise eligible under Class Q, in terms of the landscape harm to this high quality landscape, it is a matter of weighing the benefits of, in this case, two dwellings relative to the landscape character harm identified. It may reasonably be concluded that the provision of just two dwellings relative to the overall number required across the District is not of such significance as to outweigh the harm to landscape which has been identified.

## **9. RECOMMENDATION**

### **A. That Prior Approval is required and Refused for the following reasons:**

- 1. The conversion and use of these plain and functional buildings and their curtilages at this location for two dwellings with all the trappings of domesticity that this would bring, together with altered external appearance of a compromised design with no place or linkage to the rural building tradition of the area and therefore wholly at odds with the rural location would result in an undesirable change to the character and appearance of the rural area and in accordance with the provisions of Class Q in particular Q.2 (1) (e) and (f) and section W of the Town and County Planning (General Permitted Development) Order (England) 2015 (as amended) is found**

contrary to Staffordshire Moorlands Local Plan 2020 policies SS1, SS10, DC1, DC3 and H1 and to the NPPF.

2. Based on the structural report submitted with the application which assumes that the cladding and blockwork walls will be removed and a masonry cavity wall established at the building perimeters it is concluded that the proposed building works significantly exceed 'conversion' within the meaning of Class Q and are therefore not permitted as defined at Q (b) and the proposal is refused in accordance with W(3) (a) - the proposed development does not comply with, limitations or restrictions specified in this Part as being applicable to the development in question.

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/informatives/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.

### Informative

1. The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has nonetheless met the requirement in Paragraphs 38 of the National Planning Policy Framework.

## 10. APPENDICES TO THE REPORT

10.1 The link below to the Council's website is where the detail of this application can be viewed.

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=176344>

# Location plan

