PLANNING & DESIGN & ACCESS STATEMENT

Client: Mr J & Mrs A Wagstaff

Location: Cresswell Ford Farm, Dilhorne Road, Dilhorne, Stoke on Trent, Staffordshire, ST10 2PH

Proposal: Prior notification for the change of use of an existing agricultural building to two dwellings.

KEN WAINMAN ASSOCIATES Ltd, 31a St. Edward Street, Leek, ST13 5DN
T – 01538 386 808 M – 0796 877 4785 Email: ken@sgaplanners.co.uk
April 2016

1 INTRODUCTION

1.1 This statement is submitted in support of a prior notification application for the change of use of an existing agricultural building to two dwellings with associated building operations at Cresswell Ford Farm, Dilhorne Road, Dilhorne. The application has been submitted by Ken Wainman Associates Ltd on behalf of Mr J & Mrs A Wagstaff.

1.2 This planning statement assesses the proposed development against the relevant criteria laid out in Part 3 Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 and concludes that the proposal amounts to permitted development.

2 APPLICATION SITE AND ITS SETTING

2.1 The application building, which lies on the south eastern side of the junction of Caverswall Road with Dilhorne Road and Tickhill Lane, comprises of a traditional brick built building under a plain clay tiled roof. The building which has an 'L' shaped footprint is predominately single storey although a short section of the building is two storey. A tin and timber lean to structure is attached to the south eastern gable of the building. The application building is accessed via a short track which leads directly off Dilhorne Lane opposite its junction with Tickhill Lane. Two modest timber outbuildings lie on the opposite side of the access track. A pond and woodland lie to the east and open countryside leading to a railway embankment lies to the south. Immediately to the north west of the site lies Cresswell Ford Farm, a detached dwelling with associated outbuildings.

3. THE PROPOSED DEVELOPMENT

3.1 It is proposed to convert the existing agricultural building into two dwellinghouses under the Permitted Development rights afforded in Part 3 Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015. The scheme as submitted would provide two two bedroomed dwellings. Both dwellings would have an open plan kitchen/dining arrangement with separate lounge, bathroom and two bedrooms. The larger of the two units would also have a utility room. Two parking spaces per dwelling would be provided to the front (eastern) side of the building whilst separate domestic curtilages for each unit will be provided to the rear (west). Access to the proposed buildings will be via the existing agricultural access.

3.2 As well as the change of use of the building the proposal seeks approval for the associated operational development which includes repair and repointing works to some of the external walls, reinstatement of a new tiled roof and installation of windows and doors. The proposal is shown on the submitted drawings and is accompanied by a structural survey as well as an independent ecological survey.

4. PLANNING HISTORY

4.1 A previous application for the change of use of the building to two dwellings under the former legislation (Class MB of SI 564 Town and Country Planning Order 2014) was refused on 2nd April 2015 for the following reasons:-

1. The building has not demonstrably been in agricultural use in the past 10 years and as such does not meet the test of MB.1.f.

2. The proposal indicates a curtilage to the building, where no details have been provided to demonstrate that the building benefitted from a curtilage, which only served the building for its agricultural purpose and as such does not meet the criteria of MB.2 (9b).

3. Based on the buildings age, location and condition it is highly likely that there is a risk to bats, nesting birds and potentially Great Crested Newts. Whilst this matters was raised and an ecology study requested none has been received and as such the risk to protected species remains at unacceptable levels, therefore contrary to Paragraph N(2A) and N(7) of Class MB.

4.2 Following the Council's decision the Town & Country (General Permitted Development) Order 1995 (as amended) has been superseded by the Town & Country (General Permitted Development) (England) Order 2015 which came into effect on 15th April 2015. Consequently the former Class MB enabling conversion of agricultural buildings to dwellinghouses has now become Class Q. The new, consolidated GPDO at Class Q does not introduce any new criteria or limitations and as such the Council's decision references to Class MB readily transfer to the same references under Class Q.

5. **KEY ISSUES**

4.1 This is an application for a change of use of an agricultural building to two dwellings with details of associated operational development. The submission has been made in order to determine whether or not the prior approval of the Council is required before the development can proceed in accordance with the provisions of Part 3 Class Q of The Town & Country Planning (General Permitted Development) (England) Order 2015.

Class Q of Schedule 2 of the GPDO permits development consisting of the 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 (Class Q(a) development). Additionally Class Q permits building operations reasonably necessary to convert the building to a use falling within Class C3 use (Class Q(b) development).

4.2 In order to show that the above scheme complies with the permitted development requirements each criteria is assessed against the proposal below.

Development is not permitted by Class Q where (a)

the site was not used solely for an agricultural use, as part of an established agricultural unit:

(i) on 20th March 2013;

(ii) in the case of a building which was in use before that date 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 of development under Class Q begins.

The applicants reside at Cressford Farm, which occupies an elevated position on the northern side of Dilhorne Road. Cressford Farm, as the name suggests, is an established agricultural holding which was purchased by the applicant's in 1985. At the time of purchase the holding, which comprised of the dwellinghouse, small range of traditional brick outbuildings and pole framed building, extended to some 22 acres. It was marketed as an agricultural holding and was sold as such by the vendor's selling agent. It had previously been registered with DEFRA as an agricultural holding and allocated a holding number of 37/272/0043 which transferred to the applicants on the purchase of the property. In 2004 the neighbouring holding Cresswell Ford Farm was put on the market and the applicants purchased part of it including the application building and a further 10 acres of land which surrounded it. This was annexed into the wider agricultural unit and the land and buildings were used to support the applicants small herd of highland cattle, a flock of sheep and a substantial number of poultry.

In July 2006 planning permission was sought for the erection of an agricultural building under reference number 06/00838/NOT-AG. The application proposed a building to store farm machinery approximately 25m long x 14m wide. The agents letter which accompanied the application stated that the "applicants have recently taken over this holding with a view to improving and diversifying the business". This application was submitted and accepted by the Local Planning Authority as a prior notification application under Part 6 of the General Permitted Development Order (1995). Whilst this effectively restricts the issues which can be considered by the Local Planning Authority to those involving siting and design a pre-requisite to the permitted development regulations is that the development must be "reasonably necessary for the purposes of agriculture". The acceptance by the Local Planning Authority of the application as a prior notification and its subsequent approval (August 2006) is further proof that the site forms part of an established agricultural holding and was accepted as such by the Council.

Later that year retrospective planning permission for a farm track and pond was sought under reference number 06/01006/FUL. Again this application was made on the basis of the development being required for agricultural purposes and this was confirmed in a letter by the applicants agent to the Local Planning Authority in November 2006. The agricultural justification put forward was accepted by the Local Planning Authority and the development was granted conditional approval in December 2006.

The application building was clearly built and intended for agricultural use and has been in use as such for all of its time. The existence of cattle stalls, which are still evident today, corroborates this. The building is currently used to store machinery and materials associated with the up keep of the holding (quad bike trailer, fencing posts and wire) and used for the isolation of sick and injured animals as and when required. It is also used to store a quantity of timber which was purchased for the aforementioned agricultural

building. Although this was never constructed the portal frame was purchased and is stored on the holding adjacent to the application building.

Whilst it is accepted that the number of animals owned by the applicants has reduced significantly in recent years the land and buildings have however continued to be let on an informal basis to neighbouring farmers mainly for the use of sheep grazing. It is therefore clear from the above that the site is an established agricultural unit which has been occupied for the purposes of the agriculture and was in such use on the 20th March 2013. The application building forms part of the established agricultural holding of the farm and is being used for agricultural purposes and as such is considered to accord with criterion (a).

(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;

The existing agricultural building has a footprint of 153.4 sq metres. The proposed conversion would have a floor area of 153.4sq. metres at ground floor and 38.3sq. metres at first floor giving a cumulative floor space of 191.7 sq. metres. This is clearly below the 450 sq.metre limit and as such the proposal is considered to accord with criterion (b).

(c) The cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds three:-

The number of dwellings proposed to be developed under Class Q is two and as such the proposal is considered to accord with criterion (c).

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

The site is not occupied under an agricultural tenancy and as a consequence the proposal is considered to accord with criterion (d)

(e) less than one 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,

The application site was not occupied under an agricultural tenancy in the period of 12 months leading up to the date of this submission and therefore criteria (d) and (e) are not considered applicable to this proposal.

(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 since 20th March 2013, or 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.

No development under the provisions of Classes A (a) or B (a) has been carried out on the holding since 20th March 2013. Furthermore, there is no intention to carry out any such works in the foreseeable future. The proposal is therefore considered to accord with criterion (f).

(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;

The proposed development will not result in the external dimensions of the building extending beyond the existing external dimensions of the building and the conversion shall be undertaken within the shell of the existing building. The proposal is therefore considered to accord with criterion (g).

(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;

This is the first building on the established agricultural unit to be converted under Class Q allowances. As stated above the floor area of the building to be converted is 191.7 sq metres and this would therefore clearly meet the requirements of this condition. The proposal is therefore considered to accord with criterion (h) in this respect.

(i) the development under Class Q would consist of building operations other than -

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);

The submitted drawings illustrate the proposed layout and elevations of the proposed conversion. A comprehensive structural survey has been undertaken and in summary the only building operations proposed amount to the repair of some of the external wall with a metal stitching process, the installation of windows and doors and provision of a replacement roof. As a consequence the proposal is considered to accord with criterion (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;

(m) the building is a listed building.

Criteria j to m are not relevant to this application as none of these designations apply.

4.3 As a consequence of the above considerations it is submitted that the proposed development accords with all of the relevant provisions of Class Q. In accordance with the Order we request that a determination as to whether the prior approval of the Local Planning Authority is required for the Class Q(a) development in this instance in regard to:-

a) Transport and highway impacts of the development;

b) Noise impacts of the development;

c) Contamination risks on the site;

d) Flood risks on the site; or

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 and external appearance of the building.

4.4 This prior approval submission has been made in response to the aforementioned requirements and this statement will now consider the proposal in the context of the above matters. In doing so consideration has been given to the provisions of the National Planning Policy Framework.

(a) Transport and highway impacts of the development

The proposed dwellings will be accessed via the existing track that serves the site off Dilhorne Road and adequate off road parking is provided as part of the scheme. Taking into account the fact that this access is already used for agricultural purposes, it is considered that the proposed development will not give rise to any adverse highway safety impacts. Furthermore, no concerns regarding highway safety were raised as part of the previous Class MB application. As such the proposal is considered to be acceptable in the context of criterion Q.2(1)(a) above.

(b) noise impacts of the development

The proposed conversion of the agricultural building to two dwellings will not derive any adverse noise impacts and there are no surrounding uses that would give rise to harm to future occupants of the building. The proposal is therefore considered to be acceptable in this regard.

(c) contamination

Historically and to date the site has only ever been used for agricultural purposes. It is proposed that the existing building foundations are utilised and there will be minimal ground disturbance or excavation. Previous excavations have not identified any ground contamination whatsoever at this site. All excavated material for service trenches will be retained on site. The existing building does not contain any harmful materials that would propose any contamination risk. In the unlikely event that any contaminants are identified safe disposal advice will be sought from the Environment Agency. The proposal is therefore considered to be acceptable in the context of criterion Q.2(1)(c).

(d) flooding risks on the site

A review of the Environment Agency's website reveals that no part of the site is in flood zone 2 or 3 nor is it at risk of potential flooding from surface waters. The proposal is therefore considered to be acceptable in the context of criterion Q.2.(1)(d) above.

(e) Impractical or undesirable

The Planning Practice Guidance (updated 5th March 2015) confirms that "the permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead the Local Planning Authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house".

The guidance goes on to state that when considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building, is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

The guidance goes on to state that there may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

The guidance furthermore confirms that when a local planning authority considers location and siting it should not be applying tests from the National Planning Policy Framework except to the extent that these are relevant to the subject matter of the prior approval . So for example, factors such as whether the property is for a rural worker or whether the design is of exceptional quality or innovative are unlikely to be relevant. Recent appeal decisions have corroborated this advice confirming that prior notifications cannot be refused

on the basis of not constituting sustainable development, as to reach such a conclusion it is necessary to consider the NPPF as a whole, whereas for the purposes of the prior notification only the tests of the NPPF relevant to the subject matter of the prior approval can be considered.

To compare with the examples cited in the Planning Practice Guidance the application building is a traditional vernacular building which is structurally sound and easily capable of conversion. It lies within close proximity to other residential dwellings and as such its conversion would not result in an isolated dwelling in the countryside. It benefits from existing vehicular access and off road parking and garden areas can easily be accommodated. Furthermore there are no surrounding land uses that would result in detrimental harm to the amenity of future occupiers. It is therefore considered that the proposal is acceptable in the context of criterion Q.2.(1)(e) above.

(f) Design & External Appearance

The resultant building will retain the form and appearance of the original building. The conversion will be carried out within the shell of the existing building and existing door and window openings will be re-used. The design and external appearance of the proposal is therefore considered to be acceptable in the context of criterion Q.2.(1)(f) above.

5. **Other Planning Considerations**

5.1 Paragraph N of the General Development Order states that a Local Planning Authority (LPA) when considering a prior notification application under Class Q shall have regard to the National Planning Policy Framework (NPPF) as if it were a planning application.

5.2 The NPPF stresses that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is such a material consideration as surely is the General Development Order. Paragraph 55 of the NPPF accepts that homes can be built in the countryside where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

5.3 With regard to the development plan the relevant policies in the Staffordshire Moorlands Core Strategy are Policies DC1 (Design Considerations); R1 (Rural Diversification); R2 (Rural Housing); and SS6a (Larger Villages Area Strategy). Policy R2 states that Buildings for conversion should be worthy in physical, architectural and character terms; should be marketed if not for residential use connected to agriculture or forestry; and conversion to residential use would enable a building of particular merit to be safeguarded. Policy R1 accepts the principle of the conversion of rural buildings but requires that they should be close to settlements.

5.4 The application building is a traditional vernacular building which is constructed from facing brickwork under a plain clay tile roof. Overall it is structurally sound and is physically capable of conversion with only limited repair works being necessary. All existing openings

have been re-used and whilst some additional window and door openings are required in order to facilitate the proposed development these have been kept to a minimum. All new openings would be of a local traditional design with a simple agricultural appearance. The character of the building would vary very little from its present agricultural character. Adequate off road parking provision and domestic curtilage can be provided on site. The conversion of the existing building into two dwellings will provide a sustainable re-use for the building which will safeguard its future as well as making a modest contribution to the districts housing provision.

5.5 An ecological survey has been undertaken and submitted as part of this application. No evidence of bats was recorded internally or externally. However, due to the multitude of egress points and roosting features the application building was considered to have a moderate to high potential for roosting bats. As such a number of mitigation measures have been proposed including the use of bat tiles and a bat loft and these have been incorporated into the proposed scheme. The proposed development is therefore not considered to be prejudicial to the established ecological interests of any protected species.

6.0 Conclusion

6.1 Having regard to the aforementioned information it is considered that the proposal as submitted constitutes permitted development as it would fully accord with the provisions of Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015. The Local Planning Authority is therefore respectfully invited to confirm that their prior approval is not required in this instance.