PLANNING & DESIGN & ACCESS STATEMENT

Applicant: Mr D Handley

Location: Birchenfields Farm, Birchenfields Lane Dilhorne Stoke on Trent ST10 2PX

Proposal: Prior notification for the change of use of an existing agricultural building to one dwelling.

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 one dwelling with associated building operations at Birchenfields Farm, Birchenfields Lane, Dilhorne, Stoke on Trent.

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.

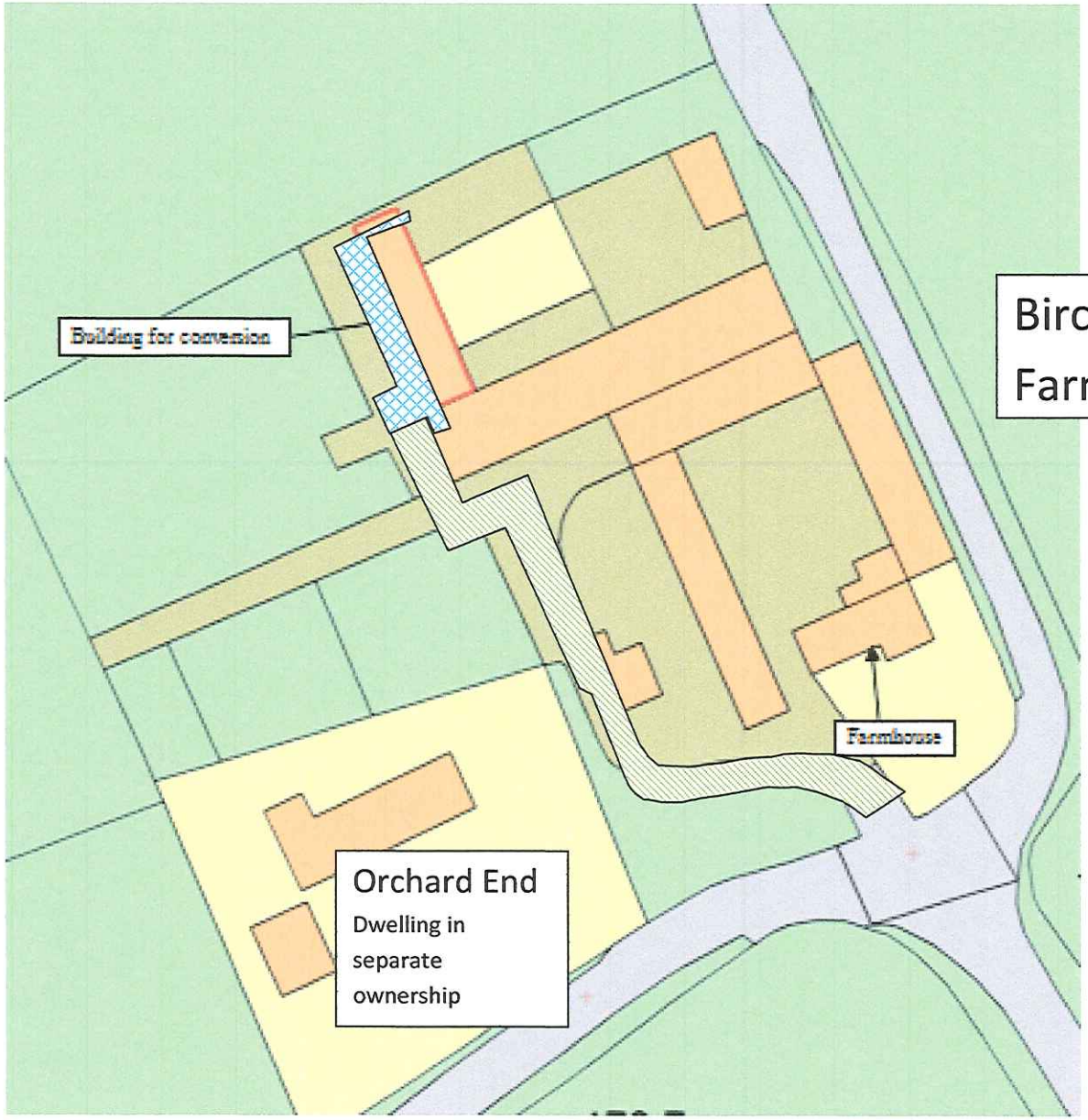


Application Building

2 APPLICATION SITE AND ITS SETTING

2.1 The application building lies on the western side of Birchenfields Farm which lies at at the junction of Trimpos with Birchenfields Lane and Perkins Lane. The application building is accessed via a private tar macadam surfaced road. The building it is proposed to convert is built of brick and concrete block with an asbestos cement profiled sheet roof supported on timber purlins and steel beams. The building is single storey with a mono-pitch roof. The building lies to the east of an associated field and overlooks open countryside to the west, it is adjacent to a concrete portal frame barn which is no longer used for agricultural purposes To the south some 40m away is a dwelling known as Orchard End which except for two windows on the first floor is screened by a hedge and therefore has no significant clear view of the application building.

2.2 Birchenfields Farm was bought with the intention of using it and the associated land for the commercial farming of Alpacas. Unfortunately the planned purchase of the necessary land did not succeed and the application building became redundant .




# Drawing showing access tc proposed change of use and curtilage created

Birchenfields Farm

Existing access
To be enduring right of way

Proposed curtilage

3. THE PROPOSED DEVELOPMENT

3.1 It is proposed to convert the existing redundant agricultural building into a single dwelling under the Permitted Development rights in Part 3 Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015. The scheme is to provide a dwelling with 3 bedrooms, living area and open plan kitchen/dining and utility room. Parking space will be provided to the front, western, side of the building included in the domestic curtilage. The external footprint of the building to be converted is 129.4m$^2$ and the area of the associated curtilage including parking is 100.7m$^2$. Access to the proposed buildings will be via the existing tar macadam road within the farm for which enduring right of way will be granted by the site owner.

3.2 As well as the change of use of the building the prior notification seeks approval for the associated necessary development which includes minor building works as set out below.

- Small sections of the external walls to the north and south will be removed and a new infill wall section constructed to provide a necessary separation from the adjacent portal framed barn.
- The roof covering will be replaced with a matt tile finish effect profiled metal sheet supported on the existing sub-structure.
- The existing 6 roof lights will not be replaced on renewal of the roof covering.
- The western elevation is to be clad with timber to produce a Yorkshire boarding effect which is a finish favoured in the Staffordshire Moorlands Design principles for Development for agricultural buildings, this cladding will be within the footprint of the original building. This will mask existing openings that are not reused and retain the agricultural appearance whilst providing a more suitable finish for a dwelling than metal sheeting producing an improvement in the visual presentation of the building.
- The other elevations are to be rendered/painted magnolia in keeping with the farmhouse and holiday cottages.
- A new patio door is to be inserted in the northern elevation and windows necessary for natural lighting and ventilation in the eastern elevation

3.3 The house is intended for occupation by the applicant, who is serving in the military, and his wife who are co-owners of the site and live in the farmhouse with the applicants wife's parents during leave periods and weekends. The applicant's wife is due to commence a midwifery degree at Keele University in September from which time she will live permanently at Birchenfields with her two children. The applicant will commute from his military base and will live at Birchenfields on completion of his military service. The farmhouse is too small to house two families in harmony.

4. KEY ISSUES

4.1 This is an application for a change of use of an agricultural building to a dwelling 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 (dwelling houses) 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 criterion is assessed against the proposal below.

(a) 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.

**Birchenfields Farm was registered with DEFRA as an agricultural holding by the previous owner and allocated a holding number of 37/022/0070 which the previous owner retained on sale of the property to the applicant in November 2012. As evidenced by the previous owners statement and that of a regular visitor to the holiday cottages the site had been used as an agricultural holding for at least 10 years before and up to the time of sale. Since the sale the building has remained unused for any other purpose by the current owners and therefore satisfies condition (ii) above.**

**The application building was clearly built and intended for agricultural use and has been in use as such for all of its time and as such the proposal 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 129.4 sq metres. The proposed conversion would have a floor area of 100.79m$^2$. This is clearly below the 450m$^2$ limit and as such the proposal is considered to accord with criterion (b).**

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

**The number of dwellings proposed to be developed under Class Q is one and no previous notifications have been made 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:-

(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 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 limits 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 (Dwelling houses) 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 129.4 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 -

(a) windows, doors, roofs or exterior walls or

(b) 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);

**The submitted drawings DG06/16/001 and DG06/16/002 show the proposed layout and elevations of the existing building and the conversion. The converted building will be within its existing footprint. A comprehensive structural survey has been undertaken and in summary the only building operations proposed amount to the replacement of the roof covering, demolition of a short section of the external walls, erection of an new infill wall at the new southern elevation and the installation of windows and doors, generally utilising existing openings in the masonry, necessary to give a reasonable degree of natural light and access into the property. The area of new windows and door opening is to be less than the existing area of doors windows and roof**

**windows. In respect of services the building is already connected to mains water and electricity. Existing roof and surface water provision is already in place. The building will be heated by the existing site $CO_2$ neutral biomass heating system. A sewage treatment plant will be utilised which will be connected to the existing outfall to the nearby water course subject to Environment Agency and Building Regulation approval**

**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 private road that serves the site off Birchenfields lane/Trimpos/Perkins Lane and adequate off road parking is provided as part of the scheme. Access to the site is via electric gates set back from the junction providing adequate space for users to stop and have clear views the roads to be joined. Additionally as the applicant**

**already uses the farmhouse for accommodation there will be no significant increase in the amount of traffic leaving the site. It is considered that the proposed development will not give rise to any adverse highway safety impacts and 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 a dwelling 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 nearest dwelling is some 40m away. The proposal is therefore considered to be acceptable in this regard.**

**(c) Contamination**

**Historically and to date the area of the conversion 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. All excavated material for service trenches etc. will be retained on site. The existing building does not contain any harmful materials that would pose any contamination risk and the asbestos cement roof sheets to be removed will be disposed of in accordance with current regulations. In the unlikely event that any contaminants are identified safe disposal advice will be sought from the Environment Agency and a licensed waste disposal company used for removal from the site. The proposal is therefore considered to be acceptable in the context of criterion Q.2(1)(c).**

**(d) Flooding risks on the site**

**The building lies some 605 feet (184m) above sea level and reference to the Environment Agency's website reveals that no part of the site is in flood zone 2 or 3 or 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 functional building which is structurally sound and easily capable of conversion. Other residential dwellings are close by 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. The building and its location are similar to that at the nearby Old Engine Farm which was approved under file reference DET/2014/0040 in November 2014 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 overall form and appearance of the original building. The conversion will be carried out within the footprint and other dimensions of the existing building and existing door and window openings will be re-used. New openings will be restricted to those necessary for the building to function as a dwelling and the total area of openings will be less than existing. The cladding of the western elevation is in keeping with Staffordshire Moorlands design guidance for agricultural buildings and the render to other elevations matches other buildings on the site. 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.

**This building is a redundant agricultural building that cannot be put to any other agricultural use on the site. The conversion and improvement of the building will enhance the immediate setting and ensure that the building continues to have a beneficial use by providing essential accommodation for the site owners own use.**

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.

**The building which is structurally sound is both suitable for and capable of being converted into a dwelling within the requirements of permitted development. Although there are some changes to the external appearance it will retain an agricultural character. Guidance on sustainability has been produced and this development meets those guidelines as did the neighbouring Old Engine Farm which was approved under file reference DET/2014/0040**

**Not 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 the minimum necessary to provide light, means of escape in fire and allow the property to function as a dwelling. In total the area of existing openings is greater than the area after the proposed conversion. All glazing and doors will closely match those in other buildings on site and the neighbouring Orchard End. 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 one dwelling 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 by providing a much needed home for the applicant and his family.**

**An endangered species survey by Evolution Ecology and a structural survey have been carried out and no points of concern were raised.**

**6.0 Conclusion**

**6.1 The proposed change of use will not lead to any detrimental or adverse effect on or by traffic, noise, flood risk or contamination and the siting and location of the building are believed to be acceptable for the proposed change of use. The development would produce a useable and suitable dwelling in an acceptable location.**

**6.2 The proposal is considered to be 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 requested to confirm that their prior approval is not required for this change of use.**