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**Planning Statement,
Prior Notification for Change of Use from Agricultural to Residential Use
Apesford Farm, Bradnop, PP-05720619**

1. Site & Applicant Details:

Mrs Rosemary Watson,
Apesford Farm,
Apesford Lane,
Bradnop,
Staffordshire, ST13 7EX

OS Grid Ref SK 018 535
Northing 253525
Easting 401828

2. Introduction

- 3.1 This application is made under the provisions of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use of a pair of former agricultural building to form two dwellinghouses, along with associated building operations.
- 3.2 Apesford Farm lies on the south side of Apesford Lane. It is the most easterly of three now separate groups of farm buildings comprising (from east to west), Apesford Farm, Middle Farm and Apesford Farm House.
- 3.3 The farmstead appears on the Yates Map of 1765 and anecdotally hosted a contingent of the Jacobite rebellion of 1745. The farmhouse therefore appears to have late C17 or early C18 origins. The farmhouse and outbuildings are not listed.
- 3.4 The application site is a narrow strip which follows the access which runs south from Apesford Lane. The two outbuildings which form the subject of this application lie on the western side of the track opposite the farmhouse. The northernmost of the pair will be referred to as Barn A and the southernmost, Barn B.
- 3.5 In addition to the two traditional outbuildings, there are a variety of decrepit sheds, pole barns and livestock buildings dotted around the site.

Some of these lie within the red edged application site boundary, others lie nearby on land within the applicant's control.

- 3.6 It is the applicant's intention to retire from farming at which point the various non traditional agricultural buildings will become redundant. It is evident from the design and condition of these buildings that they are ill suited to modern livestock housing with inadequate facilities for handling manure. The cubicle sheds are without slatted floors and there is no slurry store.
- 3.7 It is noted that there are several alternative means of access to enable agricultural vehicles to enter the adjoining agricultural land, should ownership of some or all of the land be separated from the farmhouse.
- 3.8 Barn A is a traditional two storey stone and tile building with roughly coursed and dressed gritstone walls under a clay tile roof. The original queen truss and purlins are present, but the building has been re-roofed at some point. The ground floor windows are a C20 inward opening hopper design. The first floor pitching holes are unglazed or feature inappropriate late C20 windows. Doors are vertically boarded or are missing.



Fig. 1. Barn A

- 3.9 Barn B lies 9.4m to the south of Barn A. It is also stone and tile building but longer and a little lower in height than Barn A. It is likewise constructed with roughly coursed and dressed gritstone walls under a clay tile roof. It was formerly a shippon with hayloft over but now is subdivided at ground floor level into loose housing, parlour and dairy. The original queen trusses at the main central bay are present but the building has been re-roofed at some point and supplementary purlins have been fitted. The ground floor windows are largely unglazed but there is a C20 inward

opening hopper window at the northern gable. The first floor pitching holes are unglazed. Doors are vertically boarded or are missing.



Fig. 2. Barn B

3.10 This Statement assesses the proposed development against the relevant criteria of Class Q, having regard to the provisions of the Planning Practice Guidance and recent appeal decisions, in order to demonstrate that the proposed development amounts to Permitted Development.

3.11 The aforementioned criteria are italicised with details provided below.

4. Assessment

4.1 The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 allow for 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. It also allows for building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses).

4.2 The legislation states that development *is not permitted by Class Q if:*

- (a) *the site was not used solely for an agricultural use, as part of an established agricultural unit—*
 - (i) *on 20th March 2013; or*
 - (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*

It is evident from Figs. 1, 2. and from internal inspection that the buildings have historically been used for agricultural purposes, with evidence of boskins, milking parlour etc. still in situ. The building has not been used for any other purposes, and the proposal therefore accords with criterion a).

- 4.3 (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 total floor area of Barn A is 87 sq. m. The total floor area of Barn B is 184 sq. m. The cumulative floor space is therefore 271 sq. m.

Floor areas have been assessed using RICS Methodology which measures the total ground and first floor area at the inside faces of the external walls.

The cumulative floor space of the building is therefore less than 450m², and as such accords with criterion (b).

- 4.4 (c) *the cumulative number of separate dwellinghouses developed under Class Q within an established agricultural unit exceeds three;*

The proposal entails the creation of two dwelling houses and therefore accords with criterion (c).

- 4.5 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 the proposal therefore accords with criterion d).

- 4.6 (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 site was not occupied under an agricultural tenancy in the period of 12 months leading up to the date of this submission, therefore the proposal accords with criterion (e).

- 4.7 (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 -*

- 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*

No such development has been carried out, therefore the proposal accords with criterion (f).

- 4.8 (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 building operations required to effect the conversion to residential use do not increase the external dimensions therefore the proposal accords with criterion (g).

- 4.9 (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;*

There have been no previous submissions on this site under Class Q so the cumulative floor space is 271 sq. m. as set out in paragraph 4.3 above. The proposal therefore accords with criterion (h).

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

The proposed operational development will include the following:

- i). Replacing windows and doors.
- ii). The insertion of two 'slot vent' windows and one 'owl hole' window at the rear of Barn A to admit light to the bathrooms and stairwell.
- iii). The insertion of two plain pitching lights and two 'slot vent' windows at the rear of Barn B to provide means of egress for the bedrooms and to admit light to the bathrooms.
- iv). The introduction of slot vents to allow mechanical ventilation for the kitchens at the rear of Barn A and Barn B.
- v). Recladding the roofs - setting aside the original tiles for re-use.
- vi). The provision of services.
- vii). Removing the concrete panelled building attached to the south elevation of Barn A, together with the lean-to at the rear

viii). Removing the pole barn lean-to at the rear of Barn B.

The new openings are considered reasonably necessary for the buildings to function as dwellinghouses. The removal of the various lean-to's is necessary to allow scaffolding to be erected to facilitate the installation of windows and doors, the formation of new openings and to allow works to the roof. The proposal therefore accords with criterion (i)

4.11 (j) *the site is on article 2(3) land;*

The site does not lie on article 2(3) land therefore the proposal accords with criterion (j)

4.12 (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;

The site does not, and does not form part of a site of special scientific interest, a safety hazard area, or a military explosives storage area therefore the proposal accords with criterion (k)

4.13 (l) *the site is, or contains, a scheduled monument;*

The site does not comprise or contain a scheduled monument therefore the proposal accords with criterion (l)

4.14 (m) *the building is a listed building.*

The buildings are not listed therefore the proposal accords with criterion (l)

4.15 The proposed development is therefore considered to accord with all of the relevant provisions of Class Q. Section Q.2-(1) of the order permits such development subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (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 (dwellinghouses) of the Schedule to the Use Classes Order, and*
- (f) *the design or external appearance of the building,*

4.16 This statement will now consider each of these factors together with current planning guidance and recent appeal decisions.

4.17 (a) Transport and Highways impacts

- i). Paragraph 32 of the NPPF states that *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”*.
- ii). The two proposed dwellings together with the existing farmhouse will utilise the existing access of Apesford Lane, designated the C0158.
- iii). The proposal includes parking for one car within the curtilage of the smaller barn, Barn A and two cars within the curtilage of Barn B. There is plenty of space within the site for turning to enable vehicles to exit the site in a forward gear.
- iv). The emerging visibility in either direction is excellent - exceeding 2.4x150m. Although the national speed limit of 60mph applies, traffic speeds are greatly reduced by the narrow and undulating nature of the lane and a splay of 2.4x43 consistent with an 85%tile speed of 30mph is considered satisfactory in this location. (DCLG Manual for Streets table 7.1).
- iv). The surface of the access has deteriorated and the planning authority may consider it beneficial if the 1st 10m were to be resurfaced to prevent loose material from entering the highway. Access improvements could be secured by an appropriately worded condition.*
- v). The access track is approximately 110m from the gate to the Farmhouse and Barn A. Given the low traffic density, the lack of a passing place is unlikely to result in severe highway impacts. However, a passing place could be also be appropriately conditioned.*
- vi). The failure to provide a bin dwell area would be matter of inconvenience rather than highway safety but could likewise be conditioned.*

* Note: Refer to section 5. Use of Conditions

The proposal therefore accords with criterion (a)

4.18 (b). Noise Impacts

- i). The proposed conversion of the barn to a dwelling will not give rise to any adverse noise impacts. Neither of the two buildings are to be subdivided so the provisions of building regulations, part E do not apply.
- ii). There are no surrounding uses that would give rise to any adverse noise impacts to future occupants of the buildings.

The proposal therefore accords with criterion (b)

4.19 (c). Contamination

- i). Land is only considered to be contaminated if it either contains a source of pollution, that a pollutant could affect a receptor, and that the pollution can get to the receptor.
- ii). Although Nitrate Pollution Prevention Regulations (NVZ regs) may apply, manure and slurry stored and used as a fertiliser are not waste.

- iii). The site has solely been used for agricultural purposes and there are no other uses in the immediate vicinity of the site which may give rise to pollutants.

The proposal therefore accords with criterion (c)

4.20 (d) Flood Risk

- i). The Government's Flood Map shows that the site lies within Zone 1. The site area is less than 1 hectare and a flood risk assessment is not therefore required.
- ii). There is a pool of standing water in the yard between Barn A and Barn B. This is the result of the build up of farmyard manure which has blocked a drain, rather than excess surface water from some other source. The blockage will need to be cleared and could be the subject of an appropriately worded condition.*

* Note: Refer to section 5. Use of Conditions

The proposal therefore accords with criterion (d)

4.21 (e) Impractical or Undesirable Location.

- i). It is widely acknowledged that agricultural buildings across the country are often located outside existing settlements and therefore rarely meet the normal location sustainability tests.
- ii). This is acknowledged by Paragraph 108 of the National Planning Practice Guidance which states "*the Permitted Development Right does not apply a test in relation to sustainability of a 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 to a house*".
- iii). The guidance goes on to state that "*the Local Planning Authority should apply a reasonable ordinary dictionary meaning in making any judgement. 'Impractical' reflects that the location and siting would 'not be sensible or realistic' and 'Undesirable' reflects that it would be 'harmful or objectionable'*".
- iv). When considering whether it is appropriate for the change of use to take place in a particular location, the planning authority should start from the premise that the Permitted Development Rights grant planning permission subject to the requirements of Class Q of the General Permitted Development Order. The fact that an agricultural building is in a location where the planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing Prior Approval.

- v). The guidance goes on to give examples where conversion may be impractical or undesirable. It may, for example be impractical to convert an agricultural building on the top of a hill with no access or services. It may also be undesirable to convert an agricultural building if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.
- vi). When a local authority considers location and siting it should not therefore be applying test for the National Planning Policy Framework except to the extent that these are relevant to the subject matter of the Prior Approval.
- vii). The application site is in a rural area, however in the locality there are a number of isolated dwellings, barn conversions and country properties. Therefore, the location of the proposed conversions do not create any impractical or undesirable issues.
- viii). The application site is not unduly prominent within the landscape and a conversion will enable some enhancement with the removal of a number of dilapidated structures.

Section Q.2-(1) (f) is solely concerned with the practicality or desirability of the location. The issue of protected species is therefore considered to be outside the scope of an application for prior approval. This point is covered by numerous appeals with a significantly greater balance of appeals determining that the impact of protected species is not a material consideration.

Nonetheless, Regulation 9 of 'The Conservation of Habitats and Species Regulations 2010' is still applicable and a protected species survey has been carried out. This found evidence of use by swallows but no evidence that the building was being used by bats. The report went on to recommend the provision of swallow cups, external bat boxes and ridge tile roosts to mitigate for loss of nesting and roosting sites in the wider area. Ecological enhancements could be secured by an appropriately worded condition.*

* Note: Refer to section 5. Use of Conditions

The proposal therefore accords with criterion (e)

- 4.22 (f) Design or external appearance
- i). The alterations to the external appearance of the building mainly involve the treatment of the existing openings. These are considered to be of an appropriate agricultural design and include inward opening hopper windows at ground floor level, plain pitching lights at first floor level and vertically boarded doors.
 - ii). The new openings will be limited to small slot vent windows, an owl window and extract ventilation slots, all of which will be located at the rear. Since these are features commonly found on buildings of this type, they are not considered to be harmful to the character and appearance of either building.

- iii). No roof lights, external soil pipes, flue pipes or external lights are proposed.
- iv). No part of either building will remain unconverted, for ancillary storage for example. This is partly because Barn A is fairly small and it's simple, open rectangular plan form is unsuitable for subdivision. Barn B is larger and has small separate bays at either end which could be used for storage. However the gable ends of this building have the benefit of existing openings which are well suited to residential conversion. Setting one or both of the end bays for storage would harm the character of the building because additional alternative openings would then be needed. In particular, to provide daylight and means of egress from bedrooms in the event of a fire.

The proposal therefore accords with criterion (f)

5. Use of Conditions

- 5.1 Schedule 2, Part 3, Paragraph W13 of the GPDO states that *"The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval"*.
- 5.2 Section 72 of the Town and Country Planning Act, 1990 allows planning authorities to impose conditions requiring the carrying out of works on land within the control of the applicant, whether or not it is in land in respect of which the application was made. Planning conditions can therefore be imposed which require works outside of the red edged site area - on the land edged in blue.
- 5.3 Since conditions have the effect of granting planning permission - R vs SoS ex party Walsall MBC 18/02/1997
- 5.4 The Authority may therefore impose conditions within the site or on land within the applicants control where such conditions reasonably relate to the prior notification for change of use.

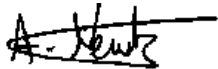
6. Interpretation of Part 3

- 6.1 This proposal is made under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 6.2 Paragraph X defines the terms used in the legislation. In particular: *"Curtilage" means, for the purposes of Class Q, R or S only—*
 - (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 curtilage of Barn A measures 58 sq. m and is equal to the footprint of the building. Similarly, the curtilage of Barn B measures 115 sq. m, equal to its footprint. The proposal therefore satisfies the definition set out in Paragraph X.

7. Conclusion

- 7.1 The proposal satisfies the relevant criteria set out in Class Q.1 and Q.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015
- 7.2 The creation of two residential dwellings meets all of the requirements under Class Q (A) and Class Q (B) under the above legislation.
- 7.3 The use of planning conditions can be used to ensure that the change of use and building operations proposed are acceptable in terms of the requirements under Class Q Development.



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