

Higher Whitmore Farm

Congleton

Cheshire

CW12 3SB

Notification for Prior Approval for proposed change of use of agricultural building to form 2no. dwellings (Class C3) and for associated operational development under Schedule 2, Part 3, Class Q – GPDO (England) 2015

Mr and Mrs Proudlove

Conversion of agricultural building at Higher Whitmore Farm, Congleton, Cheshire

Planning Statement



Higher Whitmore Farm

Congleton

Cheshire

CW12 3SB

Notification for Prior Approval for proposed change of use of agricultural building to form 2no. dwellings (Class C3) and for associated operational development under Schedule 2, Part 3, Class Q – GPDO (England) 2015
Mr and Mrs Proudlove

Contents

Section 1 – Introduction

Section 2 – Site and surroundings

Section 3 – Proposals

Section 4 – Class Q Criteria and Appraisal

Section 5 – Conclusion

1.0 Introduction

- 1.1 This planning statement has been prepared on behalf of the applicant Mr and Mrs Proudlove to accompany a submission for prior approval relating to the change of use of an agricultural building to form 2no. dwellings (Use Class C3).
- 1.2 Acknowledged as some of the most ubiquitous of historic building types in the countryside, traditional barn buildings are of course important in providing a sense of place and local distinctiveness but also represent an economic asset in terms of capacity for accommodating new uses, as recognised within recent changes made by Government to permitted development rights.
- 1.3 Government introduced permitted development rights in 2014 (Class MB) to allow for the conversion of redundant agricultural buildings into residential dwellings without the full requirement for planning permission; these rights were then confirmed within the consolidated GPDO 2015 (Part 3, Class Q). The Government's intention has been clear that these rights are to support increased housing supply in rural locations without the need to build in the countryside.
- 1.4 It is also made clear in Planning Practice Guidance that a submission to the Local Planning Authority for prior approval is a light-touch process, which applies where the principle of the development has already been established. It is made clear 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."* Or to put another way, simply because an agricultural building is in a location where the LPA would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.
- 1.5 In this case the applicant is submitting notification for prior approval, following careful consideration of the agricultural business and its future, the family circumstances and the former use of the subject building and the rights that exist under Part 3 of the General Permitted Development (England) Order 2015 (GPDO). The applicant wishes to create permanent residential dwellings for their immediate family in order that they can continue to support the running of the agricultural unit into the future.

2.0 Site and surroundings

- 2.1 The application site is located within the established agricultural unit known as Higher Whitmore Farm. The site contains a number of buildings including the main farmhouse and the application building, which was in use solely for agriculture in support of the established agricultural unit when last in use; now being vacant with the exception of occasional accommodation and feeding of livestock and occasional storage of farm equipment in connection with the wider agricultural unit.

- 2.2 There are agricultural buildings both within the courtyard arrangement that includes the application building and also to the north of the subject building, all of which are in agricultural use and will continue to function as such; albeit the use of these buildings does not include anything, which might be described as intensive i.e. poultry or anything associated with chemical storage or noisy activity.
- 2.3 The application site (as denoted by the red line on the site plan and survey building) consists of the redundant agricultural building together with land available for future use as amenity space to be associated with the dwellings, this offers long-ranging views to the east towards the Biddulph Valley Local Nature Reserve.



- 2.4 The site lies within the administrative boundary of Staffordshire Moorlands District Council and is identified as being positioned within the Green belt. The subject building is double height and appears to have clearly been used for cattle housing in its history and also as a workshop in connection with the farm and associated machinery. The barn interior is generally open and plain (with regular partitions at both ground and first floors), particularly to the northern half which clearly shows the signs of cattle housing. There are a set of stone steps to the southern end of the building leading to the upper floor.
- 2.5 There is a yard to the east of the building, which would lead to the creation of dedicated amenity space for the proposed dwellings; no formal demarcation is proposed within this submission and there would certainly be no intention to create any sterile manmade features in this location to delineate private amenity areas, but instead seek to retain the openness of the site.

3.0 Proposals

- 3.1 Following a survey of the existing agricultural building it became clear that there was potential to create family dwellings for the purposes of continued stewardship of the farm. Accordingly this submission seeks to convert the redundant agricultural building, together with minor re-building works in association with the creation of 2no. family dwellings with associated private amenity space and parking.

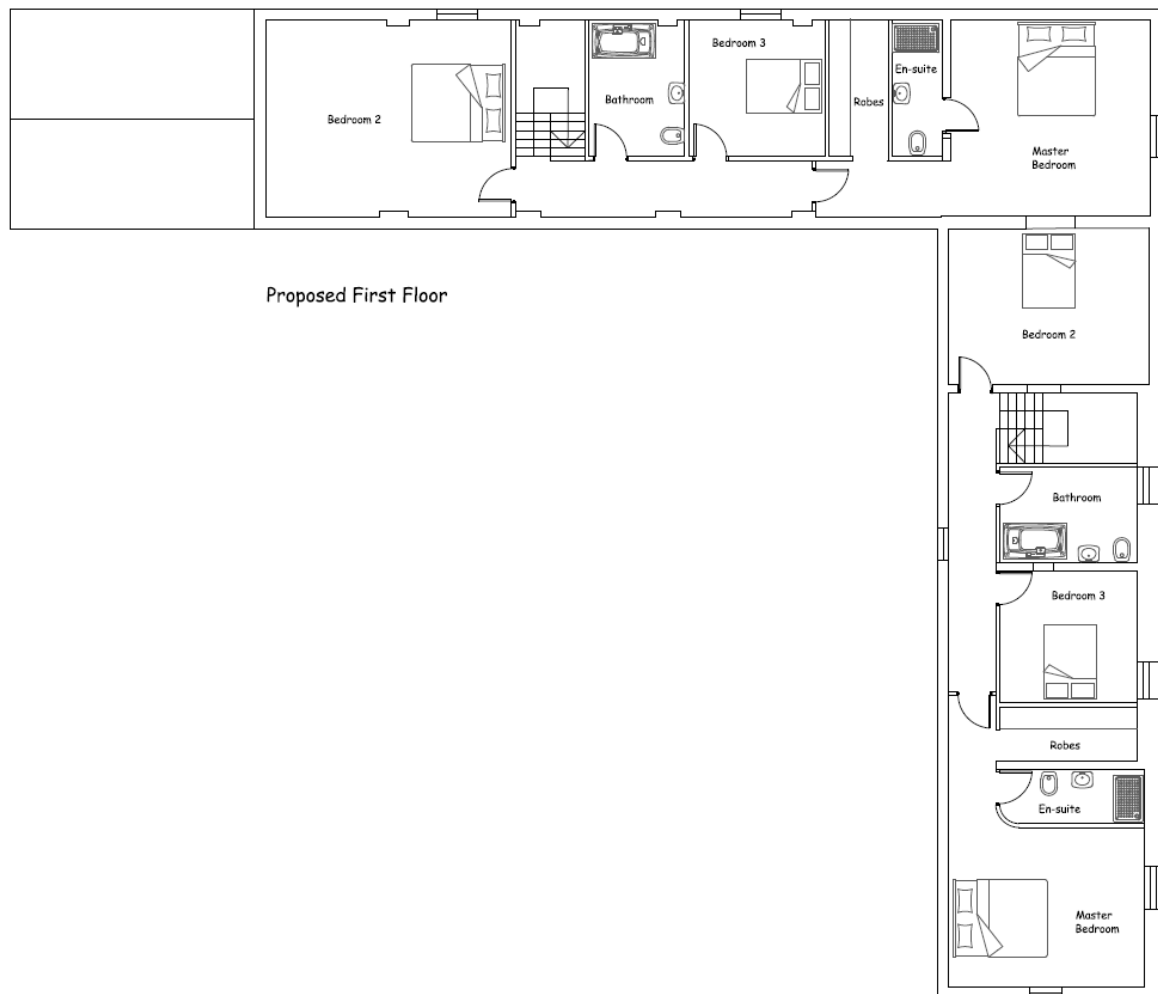
Notification for Prior Approval for proposed change of use of agricultural building to form 2no. dwellings (Class C3) and for associated operational development under Schedule 2, Part 3, Class Q – GPDO (England) 2015
Mr and Mrs Proudlove



The ground floor depicts the creation of two units, each with entrance hall, living room, kitchen and family room, toilet and utility space. Each unit is served by natural daylighting using the existing openings where present in the building and reducing the degree of internal alterations required to create the family units.

Higher Whitmore Farm
Congleton
Cheshire
CW12 3SB

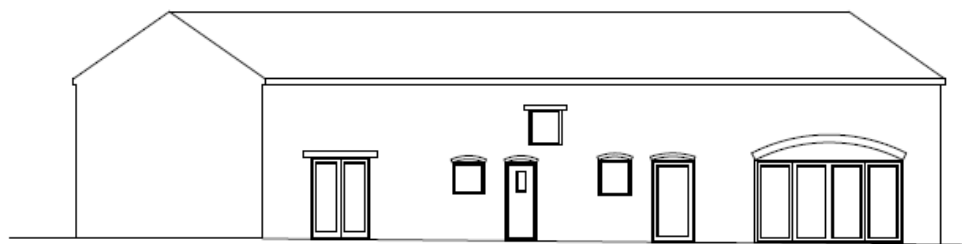
Notification for Prior Approval for proposed change of use of agricultural building to form 2no. dwellings (Class C3) and for associated operational development under Schedule 2, Part 3, Class Q – GPDO (England) 2015
Mr and Mrs Proudlove



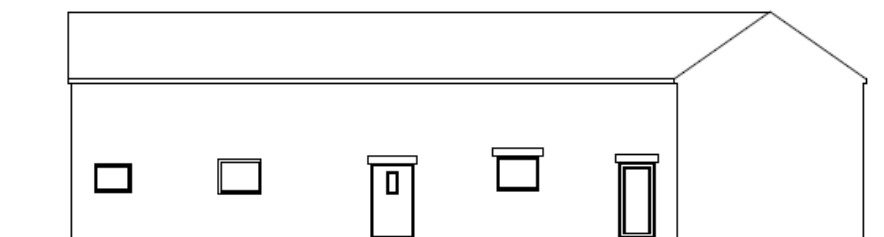
The first floor depicts each unit served by 3 good sized bedrooms, en-suite facility to each master bedroom and a family bathroom. In order to utilise existing openings and minimise interventions within the façade of the building (but whilst also balancing this aim with providing natural daylight to each bedroom at the first floor) the layout and elevations show the insertion of conservation rooflights to maximise the degree of daylight entering the bedrooms in the northern wing of the barn taking account of the relationship with retained agricultural buildings elsewhere within the unit.



- 3.2 The proposed conversion would involve modest but necessary additions in the form of conservation rooflights, with existing openings retained and modified to create entrance doors where necessary. However, the building works would not result in any material increase in the existing floorspace available (approximately 400m²) and would not result in the extension of the buildings existing external dimensions. However, it is apparent from the structural report that reasonably necessary building works relating to the walls and roof are required but these are isolated and clearly identified in the accompanying report; but what is clear is that the building is in a condition, which is capable of accommodating residential conversion.
- 3.3 The main aspirations for the conversion are to bring about the effective, sustainable re-use of a rural building and allow for the continued family stewardship of the agricultural unit, without detriment to visual amenity or the openness of the surroundings.
- 3.4 The residential curtilage of each unit is defined in plan form but the only physical signs externally of this could be in the form of post and rail fence supplemented with native hedgerow planting to delineate the external amenity space to the east of the building. This could be achieved as a series of minor works under Schedule 2, Part 2, Class A of the General Permitted Development (England) Order 2015.
- 3.5 Access to the site for vehicles and pedestrians is to be maintained in its current location. All arrangements for refuse collection are to be consistent with those which exist for the site and the main farmhouse at present.



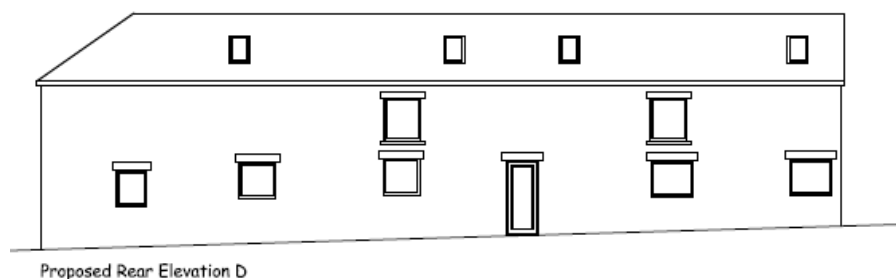
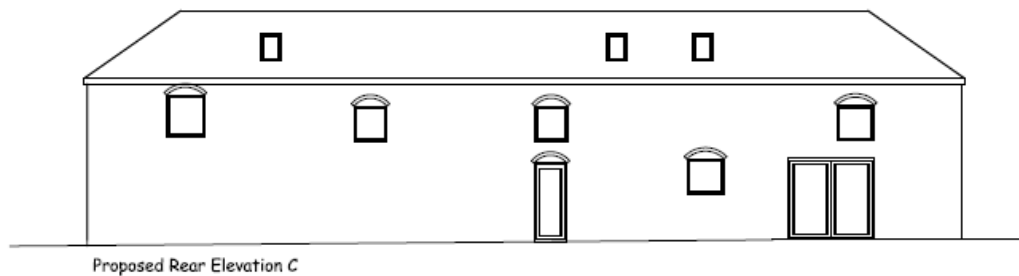
Proposed Front Elevation A



Proposed Front Elevation Barn B

Higher Whitmore Farm
Congleton
Cheshire
CW12 3SB

Notification for Prior Approval for proposed change of use of agricultural building to form 2no. dwellings (Class C3) and for associated operational development under Schedule 2, Part 3, Class Q – GPDO (England) 2015
Mr and Mrs Proudlove



4.0 Class Q criteria and Appraisal

- 4.1 As noted, this submission is made on the basis that the criteria contained within Part 3, Class Q of the GPDO 2015 are satisfied:

Criteria contained within Part 3, Class Q	Criteria for PD (Y/N)
Was the site used for agriculture as part of an established agricultural unit on 20 th March 2013? Or if not in use on that date, when it was last in use?	Y
Does the cumulative floorspace of the existing building changing use under Class Q exceed 450sqm?	N
Does the cumulative number of separate dwellings developed under Class Q within the unit exceed 3?	N
Is the site occupied under an agricultural tenancy?	N
Has development been carried out under Class A(a) or B(b) of Part 6 to this schedule since 20 th March 2013?	N
Would the development result in the external dimensions of the building extending beyond the existing external dimensions?	N
Would the development, together with any previous development	N

under Class Q, result in a building or buildings having more than 450 sqm of floorspace within Class C3?	
Would the development consist of building operations other than installation or replacement of windows, doors, roofs or exterior walls or utilities?	N
Is the site on article 2(3) land or is the building listed?	N

- 4.2 In the case of *Hibbitt v Secretary of State for Communities and Local Government* [2016] EWHC 2853 the High Court importantly clarified that there is a distinction between a barn ‘conversion’ and a ‘rebuild’ in the context of Part 3, Class Q. This ruling shows that this distinction is a matter of planning judgement but essentially Green J held that there is a conceptual difference between a ‘rebuild’ and a ‘conversion’ and that a conversion introduces a discrete threshold.
- 4.3 In order to evidence that the building is capable of functioning as a dwelling and is structurally strong enough for the building works, a structural appraisal has been commissioned by the applicant and is appended to this submission.
- 4.4 The structural survey does conclude that the existing barn is capable of conversion but that targeted works are required with isolated areas of repair or replacement in relation to existing walls, particularly in the eastern wing of the barn where the unit’s workshops are concentrated compared with the northern wing (described as cowshed). The works to existing walls will see either the re-use of existing brick if suitable or re-claimed brick sourced to match. The works described are targeted and do fall within the provisions of Class Q as those building works envisaged as being reasonably necessary to convert an agricultural building to a use falling within Class C3.
- 4.5 Further to this element the applicant is mindful of the Local Planning Authority’s legal duty to protected species and specifically the provisions of the Habitats Directive, as implemented by the conservation (Natural Habitats) Regulations 1994. Accordingly a bat and barn owl survey was conducted in August 2017 (appended to this submission). The findings of the surveys confirm that no roosting bats are currently present within the barn, but that it is used as an occasional foraging area providing a sheltered area during poor weather that contains prey species. Importantly as the building does not contain roosting bats at the present time, the proposed works may therefore be undertaken without the need for an EPSL (Protected Species Licence) however; reasonable avoidance measures are recommended to be incorporated into any works on site and should any bats be found at any point during the works, all work should stop and contact be made with an ecologist and/or Natural England before proceeding.

- 4.6 The building has clearly been constructed for agricultural purposes (in accordance with the definition contained within S336 of the Town and Country Planning Act 1990) and has not changed materially since its use became redundant.
- 4.7 The remaining points for which a determination for prior approval is concerned with are listed within Part 3, Class Q:
- Transport and Highways Impacts
 - Noise impacts of the development
 - Contamination risks on the site
 - Flooding risks on the site
 - 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 (dwellinghouse)
 - Design or external appearance of the building
- 4.8 It is evident from the site layout that parking for the applicant and the existing farmhouse takes place within the central courtyard with further manoeuvring of farm machinery/vehicles available to the north beyond the application building. There is clearly sufficient parking space available within this courtyard to serve both proposed dwellings and with existing family members (who would occupy the future units and already work at the farm) already parking their vehicles within this space the development proposal is not considered to result in a material increase in the level of vehicular movements at the site. Given the distance of this parking arrangement from the adopted highway the development is not considered to pose any threat to highway safety with no discernible change to the level of movements to be experienced at the site and certainly no impact upon the existing access arrangement with the A527.
- 4.9 The noise impacts of the proposal are not considered to trigger the requirement for any form of acoustic assessment. The subject building is situated in close proximity to an existing sensitive receptor (residential receptor), which is also situated within the curtilage of the agricultural unit with no known requirement for any physical mitigation measures. Furthermore, as already described within this statement the ongoing operations associated with the farm are not intensive and do not involve prolonged noisy activity of high frequency within close proximity of the building.
- 4.10 There are no known contaminated land issues (not determined as contaminated land under Part IIA of the Environmental Protection Act 1990) associated with the site and subject building and in the absence of any sub-surface operational development it is not considered that any further site investigation is required.
- 4.11 The site is not known to lie within an area of specific flood risk, in that it does not lie within Flood Zones 2 or 3 and is not within a location known to have critical drainage problems and therefore no further consultation on this matter should be required.

- 4.12 The location of the site is deemed to make it suitable for conversion to residential use. It is located within an existing courtyard type arrangement, which already features the main farmhouse and with the exception of being set back from the A527 is in close proximity of further residential development, which is served by facilities within both Biddulph and Congleton.

In considering whether a proposal is 'impractical or undesirable' the NPPG makes clear that local planning authorities 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 meaning that it would be "harmful or objectionable".

It would seem entirely reasonable to convert the subject building, and it is considered that such proposal falls entirely within the ambit of proposals envisaged by Government. In considering the conversion works the applicant has carefully considered proximity with the existing farmhouse and also the retained structures within the wider agricultural unit. There would appear to be suitable amenity for future residents with the provision of private residential space for each unit, with suitable separation provided with the existing farmhouse to avoid privacy issues. In relation to the existing storage building to the north the applicant has carefully considered the position of openings within the northern wing of the building in order to provide suitable daylight and sunlight to future habitable rooms.

- 4.13 In considering the design/external appearance of the building the applicant would draw the officer's attention to Section 7 of the NPPF, which sets out the position regarding the design of the built environment. Planning policies and decisions are required to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

Adopted design policies contained within the authority's development plan are generally consistent with the aims of the NPPF. Clearly whilst there is variation in design and materials used for farm buildings there are typical design considerations relevant to most conversion proposals.

The following matters are considered to be of key relevance to the proposal:

- Creativity, detailing and materials appropriate to the character of the area
- Respect the site and surroundings
- Provide for safe and satisfactory access
- Protect amenity of the area, including residential amenity
- Sustain and respect the building and features, which contribute to the character of the site

The retention of features within the agricultural building has been carefully considered and in this case the majority of all existing openings are to be retained,

which all contribute to the significance of the building and its former use. The existing apertures are to be glazed or enclosed with entrance doors where required. The level of recess within the existing openings is to be respected with the introduction of new glazed casements and door openings and the materials are to be true of the local vernacular i.e. hardwood timber to be stained/painted appropriately in recessive colours.

The proposal seeks to re-use the building in a positive manner and contains open land to the rear, which will be utilised as amenity space but without introducing domestic features thereby reducing the impact of the conversion on the wider landscape.

Maximising daylight without compromising the character of the barn is a key consideration for not only the integrity of the building but also for the amenity of future occupants. Light was not typically important for many farmstead functions, such as storage of hay or accommodation of cattle but is clearly an important consideration at this stage of the building's life. Converting buildings of this nature come with their difficulty but with sensitive interventions such as the use of conservation rooflights to upper floors, allows both functional space and sensitive alteration.

Ultimately the proposals show that conversion can occur without compromising the objectives of both the NPPF and adopted development plan policies in respect of design matters.

5.0 Conclusion

- 5.1 This submission is made for conversion of a redundant agricultural building, within Higher Whitmore Farm for the creation of 2no. residential dwellings under the rights afforded by Part 3, Class Q of the GPDO 2015.
- 5.2 This statement clarifies the previous use of the building, confirming its use as an agricultural building (under S336 of the Planning Act), which following a period of inactivity has not materially altered.
- 5.3 Accordingly the Local Planning Authority is requested to confirm that prior approval is not required for this conversion in accordance with the requirements of Part 3, Class Q.
- 5.4 Finally if there are any concerns or queries from officers, in the spirit of being proactive, the applicant requests that contact is made with their agent in advance of any formal determination.