Planning Statement

CLIENT: Mr and Mrs A Burton.

LOCATION:

New Farm
Bradley in the Moors
Alton
Staffordshire
ST10 4DG

PROJECT:

Proposed conversion of redundant farm building to provide ancillary living accommodation for family members.

Prepared by Nigel Forrester MCIOB

DESCRIPTION OF SITE

New Farm is a former farmhouse and farmyard with a number of redundant, former farm building. The house is a detached property constructed with red facing brickwork and a Staffordshire Blue, plain tiled roof. The site is set back from the road behind an adjacent property 'Orch Lea' which is situated immediately north of the New Farm, between New farm and the nearest road.

The site comprises the original farmhouse, an original single storey, traditional, brick built, farm building which houses a number of former cowsheds, a single, stone built, traditional barn which is the subject of this application and a number of 'modern' additions to the farmyard including several timber pole barns, a steel framed barn and a brick built, general purpose workshop.

The 'farm' has not been used for agricultural proposes since 2003 when the applicants father retired from farming and the site was brought by the applicant, since which time the site has only been used for domestic purposes.

The timber pole barns and the brick built general purpose workshop are in very poor states of repair and bordering on being unsafe.

The stone barn and the original, traditional, brick built farm buildings are in good condition, being structurally sound and free from significant defects

The farm house is occupied by Mr and Mrs Burton along with their daughter and her partner.

The site lies outside of any designated settlement boundary

PROPOSAL

The proposal is to convert the existing stone barn into additional living accommodation, ancillary to the existing farmhouse. The proposed conversion would provide living accommodation for Mr and Mrs Burtons daughter and her partner. The proposal would remain an integral part of 'New Farm'. There is no intention or desire to separate the proposal from the existing domestic curtilage or to create a separate planning unit.

The proposal conversion would have a ground and first floor with an overall floor area of 112m2 and would comprise two bedrooms a bathroom a living room and a kitchen.

This is an application for a certificate of existing lawful development which seeks confirmation that the conversion of the detached redundant stone barn to provide additional domestic accommodation would be lawful.

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It is understood that the key issues in consideration of this application would be whether the proposed building operations would require development requiring planning permission and whether the proposed development would constitute a material change of use requiring planning permission.

Section 55 (1) of the 1990 Act sets out the meaning of development and new development. It states that development means:-
"...the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change of use of any building or land".
Section 55 (2) identifies operations, that for the purposes of the 1990 Act do not involve development. This includes at Section 55 (2) (a) "the carrying out for the maintenance, improvement or other alteration of any building of works which:-
(i) affect only the interior of the building, or
(ii) do not materially affect the external appearance of the building ..."
Section 55(2)(a)(i) is clear that any internal changes to the building are not development and do not require planning permission. Section 55(2)(a)(ii) adds that external changes only require planning permission where they would “materially” affect the external appearance and character of the building.

The judgment in Burroughs Day v Bristol City Council [1996] 1 PLR 78 clarifies that it is insufficient merely that the works should affect the exterior of the building. The test was that they should “materially” affect the external appearance of the building as a whole and not just a part of the building taken in isolation. Little weight was also given to views from unusual or limited vantage points. This judgment therefore clarifies that, to be development requiring planning permission, external changes to a building must materially affect the external appearance of the building as a whole when viewed from publically accessible vantage points.

Externally the size and form of the building would remain unchanged. All windows and doors will utilise the existing openings. The proposals would require the insertion of three rooflights with two in the south east elevation and one on the north west elevation and a stainless steel flue pipe.

The alterations to the exterior of the building would be clearly visible from normal viewpoints within the applicants own land but would be almost entirely screened from public vantage points. The building is presently of domestic form and appearance, having a number of window and door openings of domestic scale and character. The proposed alterations would be very modest in extent and would conform to the present domestic character of the building. The proposed external alterations would not materially affect the external appearance of the building, taken as a whole.

With regards to the proposed use of the building, the farm house and farm buildings are not used as a working farm and have not been used as such since 2003. The applicant has dated documentation from the time of his father's retirement relating to his purchase of the site from his father.

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Section 55 (2) (d) of the Act states that "the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of a dwellinghouse as such" shall not be taken to involve development. The applicants stated intention is to use the converted building as ancillary living accommodation.
Section 55 has normally been taken to embrace all types of residential use including both primary (habitable accommodation such as living rooms, kitchens and bedrooms) and secondary (games rooms / stores). Therefore, if the use to which an existing building is to be put does not constitute a material change of use or has not become a separate planning unit, it has been accepted as conforming to the definition of “incidental to the enjoyment of a dwellinghouse” and therefore does not / would not require planning permission.

Whilst the conversion of the barn will contain all the facilities necessary for day to day living and will allow the occupants some independence from the rest of the family, the new living accommodation would be within the domestic curtilage of the main house and in close proximity to the house such that it would be convenient for social interaction between the two buildings, there is no reason in law why such accommodation should consequently become a separate planning unit from the main dwelling. Therefore, there would be no material change of use of the planning unit and planning permission should not be required. In addition there is only one vehicular access point such that all access and parking would be shared.

When the above factors are taken into account it is considered that the proposed use of the outbuilding, as described, would be incidental to the use of the main dwelling house. Accordingly the proposal would not entail a material change of use from the present use as a single household with its associated residential curtilage. No change of use would occur and a separate planning unit would not be created.