

DELEGATED DECISION REPORT

DET/2018/0002
Valid 24/01/2018

**HAYES GATE FARM STAR
BANK
OAKAMoor**

**CHANGE OF USE OF
AGRICULTURAL BUILDING TO
A DWELLINGHOUSE (CLASS
C3) - RESUBMISSION OF
DET/2017/0030**

**(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)**

MAIN ISSUES

Whether or not the proposal complies with the Class Q eligibility criteria and conditions;

- Transport and highways impacts of the development;
- Noise impacts of the development;
- Contamination risks on the site;
- Flooding risks on the site;
- 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;
- Design or external appearance of the building;
- Section W;
- Whether the refusal reasons for DET/2017/0030 have been addressed.

DESCRIPTION OF SITE

The application site is Hayes Gate Farm, Star Bank, Oakamoor. The site is accessed directly off Star Bank via a long and narrow, partly shared access track which runs past Hayes Gate Cottage at the junction. The site consists of the application building itself as well as a collection of other structures such as two stone buildings to the south east of the application building (one with corrugated sheet roofing, the other finished with tiles) and a lengthy rectangular, open sided, block and corrugated sheet shelter/building directly opposite. The application building has a footprint of approximately 23m x 9.5m (plus overhang) and a shallow pitched roof. The buildings within the site are fairly close together in a loose courtyard arrangement.

A Public footpath runs along the access track, to the north of the application site, over a stile and into the field/woodland beyond where it splits into two to take a north-easterly and south-easterly route. The application site is located within the open countryside but it does not have a Green Belt designation, does not lie within a Conservation Area and there are no listed buildings/structures nearby. The application building can be seen from Star Bank, whilst it is some distance away from it the land in between is undeveloped/open and therefore any development on

this site will be seen from the public road as well as the footpath running through the site.

PROPOSAL

The application is described as a change of use of an agricultural building to a dwelling house (Class C3) under the Prior Approval procedure (GPDO Schedule 2, Part 3, Class Q). The proposed dwelling would provide accommodation on ground floor only and would consist of 3-4 bedrooms (some with ensuite), bathroom, WC, lounge and open plan dining/kitchen/living room areas. Metal sheeting/cladding, red brick, blockwork and Yorkshire Boarding would be used. Parking and external amenity space would be provided. The garden would be located to the southern side of the building following removal of a lean-to structure and would include some encroachment into the field. A 1.5m post and rail fence would run along the western side of the building, providing a walkway from the front/rear. Two parking spaces would be located immediately adjacent to the eastern elevation of the building.

The current application is accompanied by a supporting letter from the applicants, letter from the RPA (Rural Payments Agency), Planning Statement, Structural calculations report, Bat Emergence/Re-entry Survey, supporting letter from Peak Ecology and an Extended Phase 1 Habitat Survey and Building Inspection for Bats.

Application DET/2017/0030 was refused for the following reasons;

1. Insufficient information has been submitted to demonstrate that the site was solely used for an agricultural use as part of an established agricultural unit on (i) 20th March 2013, (ii) in the case of a building which was in use before that date but 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 development would begin. (Part X (Interpretation of Part 3) states that for the purposes of Part 3 'established agricultural unit' means agricultural land occupied as a unit for the purposes of agriculture and 'agricultural building' means a building (excluding dwelling house) used for agriculture and which is so used for the purposes of a trade or business; 'agricultural use' refers to such uses.) The proposal therefore fails to satisfy to Class Q1(a) of Part 3 of Schedule 2 of The Town and County Planning (General Permitted Development) (England) Order 2015.
2. It is considered that the Structural Calculations report contains insufficient information to demonstrate that the building is capable of functioning as a residential conversion and that significant and extensive demolition and new structural elements would not be required. The proposal therefore fails to comply with Class Q1(i) of Part 3 of Schedule 2 of The Town and County Planning (General Permitted Development) (England) Order 2015.
3. No information has been submitted to assess any potential impact that the development may have upon protected species. The proposal is therefore contrary to the National Planning Policy Framework including Chapters 7: Requiring Good Design and 11: Conserving and Enhancing the Natural Environment and policies DC1 and NE1 of the Core Strategy development

Plan Document (March 2014) and the Local Planning Authority is unable to discharge its duties in respect of regulation 9(5) of the Habitats Regulations.

4. Furthermore, due to its excessive window openings, wide expanses of glazing and materials mix the resultant building would have an adverse and harmful visual impact upon its rural surroundings and the proposal therefore fails to meet criteria Q1(a); Q1(i) and is found contrary to conditions Q.2 (e) and Q.2 (f) of the Town and Country Planning (General Permitted Development) Order 2015 and Chapter 7 of the NPPF in particular paragraphs 58 to 61 and 64.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

SS1	Development Principles
SS1a	Presumption in Favour of Sustainable Development
SS6	Rural Areas
SS6b	Smaller Villages Area Strategy
SS6c	Other Rural Areas Area Strategy
SD1	Sustainable Use of Resources
SD4	Pollution and Flood Risk
DC1	Design Considerations
DC3	Landscape and Settlement Setting
R1	Rural Diversification
R2	Rural Housing
NE1	Biodiversity and Geological Resources
T1	Development and Sustainable Transport

National Planning Policy Framework

Paragraph(s) 1 to 17
Section(s)

- 4: Promoting Sustainable Transport
- 6: Delivering a Wide Choice of High Quality Homes
- 7: Requiring Good Design
- 10: Meeting the Challenge of Climate Change, Flooding and Coastal Change
- 11: Conserving and Enhancing the Natural Environment

Supplementary Planning Guidance

Design Principles for Development in the Staffordshire Moorlands:

1. New Dwellings and Extensions to Dwellings;
2. Conversions.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

95-637	Alterations to existing buildings to form hound kennels and stables. Refused.
95-102	Change of use to private kennels. Approved (temporary permission).
DET/2017/0030	Change of use of Agricultural Building to a Dwelling house (Class C3). Refused.

CONSULTATIONS

Publicity

Site Notice expiry date: 21/2/18

Neighbour consultation period ends: 22/2/18

Public Comments: One letter of objection received raising the following points;

- Highway danger;
- Road was 60mph, now it is 40mph but this does not make any difference;
- Access is single track road only and may necessitate someone reversing out onto the busy main road;
- Council has previously insisted that a road should be put in.
- Right of Way for walkers;

Cotton Parish Council: No objection to the application.

Ecology: No objections to the application subject to conditions. The building subject to the proposed conversion has been subject to a bat and breeding bird survey. The building has negligible potential for bat roosts but did contain active swallow nests at the time of survey.

Highways (SCC): No objections on highways grounds.

Severn Trent Water: The proposal has minimal impact on the public sewerage system therefore no objections to the application and no drainage condition required.

Conservation Officer: Objects to the application. The building is a modern portal steel agricultural shed of tatty appearance which shows various phases of alteration. It has been adapted over the years, adding additional bays, and a range of building materials have been used including unfinished blockwork, brick, timber boarding and corrugated metal cladding.

The building is of utilitarian design, not intended to be a permanent structure and has been built in response to the functional needs of agricultural development rather than any reference to traditional building character in the area. The building is in a prominent location, visible from the road and a public footpath runs alongside the application site.

The area falls within the Churnet Valley Landscape Character Area (see Staffordshire Moorlands Landscape Character Assessment and Churnet Valley Landscape Character Assessment prepared by the County Council). It is an area of high landscape sensitivity and an area where development should be of a high standard and sensitive to the heritage and landscape of the area. The building is associated with Hayes Cottage, a historic lodge building marking the access to Ramshorn Common. Ramshorn Common is now covered by a TPO and public footpaths follow the historic trackways.

I still have concerns that the building is not structurally capable of conversion. The structure of the building is light-weight and the steel frame is to become embedded in new walling which is substantially thicker than the existing. The proposed drawings identify that existing blockwork and corrugated sheeting will be used but it is not clear whether this is the existing building fabric or fabric that will be rebuilt and replicated.

The existing building detracts from the character and appearance of the landscape in which it is set. Conversion will perpetuate the life of this structure and the further interventions to convert the structure to residential use will add further to alienate the building from its landscape. The structure currently has few openings suitable for re-use in a conversion and introduction of large areas of glazing for doors and windows and an array of rooflights will introduce elements which are not characteristic of a portal framed agricultural building. It will be a visually awkward miss-match of architectural design and function which would harm the appearance of the building and its surroundings. The resulting building form and appearance would run contrary to the emphasis placed on good design in the Framework and the recognition given to the intrinsic character and beauty of the countryside which should be conserved.

Environmental Health: No objections subject to conditions and advisory notes/informatives.

OFFICER COMMENTS

Principle of Development

The Town and County Planning (General Permitted Development) (England) Order 2015 allows, within Class Q, for the change of use of an agricultural building and any land within its curtilage to a use falling within Class C3 (dwelling houses) as well as building operations reasonably necessary to convert the building into a dwelling house.

It is clear that a Class Q development is not permitted if the site was not solely used for an agricultural use as part of an established agricultural unit on (i) 20th March 2013, (ii) in the case of a building which was in use before that date but 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 development under Class Q begins. Part X (Interpretation of Part 3) states that for the purposes of Part 3 'established agricultural unit' means agricultural land occupied as a unit for the purposes of agriculture and 'agricultural building' means a

building (excluding dwelling house) used for agriculture and which is so used for the purposes of a trade or business; 'agricultural use' refers to such uses.

The previous application raised concern over whether or not the building was in agricultural use on 20th March 2013. The current application is accompanied by a letter from the applicants stating that they purchased the site on 13th November 2012 and that the barn has only ever been used for the purposes of agriculture since they bought it. The building was used for storing farm implements belonging to the applicant's, including tractors, trailers, mowers, toppers, wheelbarrows, spades and hay at various times of the year. The letter confirms the applicants are registered farmer's for VAT and HMRC Tax purposes and the agent has confirmed via email that the 7 parcels of land identified on the accompanying Rural Land Register (RLR) Map are under the ownership of Mr and Mrs Mellor. The applicants have also provided a letter from the Rural Payments Agency (RPA) confirming their County Parish Holding (CPH) number and that the business is registered at Woodside Lodge, Ramshorne Road which is to the south of the site. It is reasonable to conclude that the location of these buildings, adjacent and to the north of the applicant's land would lend themselves to an expansion of the applicant's established agricultural business.

The new domestic footprint of the building would be the same as the main central section currently in place at approximately 218 square meters, well within the 450 square metres limit set out within Q1(b) and is for a single dwelling house only, therefore complying with part Q1(c).

The application forms state that the site is not currently occupied under an agricultural tenancy agreement; there is no reason to believe that this is not the case and no representations have been received to cast any doubt upon this claim. The application does not therefore conflict with Q1 (d) or (e).

Q1(f). More details have now been supplied to identify the extent of the applicants' land holding ownership within the area. A search of the planning history records shows that there are no applications relating to Class A(a) or Class B(a) of Part 6 (Agricultural Buildings and Operations).

Again, the plans show that the development would not increase the size of the existing building, therefore complying with Q1(g) and the floor space to be converted would be less than 450 square meters, therefore complying with Q1(h).

Q1(i) states that the development under Class Q(b) would consist of building operations other than;

- The installation or replacement of windows, doors, roofs or exterior walls to the extent reasonably necessary for the building to function as a dwelling, (discussed later in the report under Q2(f): The design or external appearance of the building);
- There is no information concerning the connection of water, drainage, electricity, gas or other services however there is no reason to believe that these would be excessive or unnecessary works.

The application site is not on article 2(3) land, is not (and does not) form part of a SSSI, safety hazard area or a military explosives storage area. The application building is not (and does not contain) a scheduled monument and is not a Listed building. For these reasons there is no conflict with Q1 parts(j), (k), (l) and (m).

Curtilage

The proposed domestic curtilage as referred to within Part X (Interpretation of Part 3) equates to approximately 193 square metres (including pathways and parking spaces). The land is immediately besides the application building.

Condition Q2 of Class Q requires the Local Planning Authority to determine whether or not prior approval is required in respect of

- A) Transport and highways impacts of the development;
- B) Noise impacts;
- 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 (dwelling houses)and;
- F) The design or external appearance of the building, and

The provisions of paragraph W (prior approval) must also be applied and the Local Planning Authority must have regard to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

Transport

The application site would be accessed via the lengthy track leading to Star Bank with Hayes Gate Cottage at the corner. The plans show that parking space could be provided and a site visit has confirmed this. The County Highways officer has confirmed he does not raise any highways related objections to the scheme.

Noise

The application site is not too far away from a dwelling known as Hayes Gate Cottage. The Environmental Health officer recommends that a condition should be added to control the times of day in which construction works can be carried out, to ensure that there is no unreasonable disruption to the amenity of the nearby occupant(s).

Contamination

The Environmental Health officer comments that there may be some associated contamination from previous uses ie chemicals/asbestos from buildings/roofing, but that a full contamination assessment would appear too onerous. However, it would be advisable to add a condition to ensure that all soft landscaped/garden areas are tested for contaminants (including Asbestos screen) to ensure that these areas are suitable for their uses. The EHO recommends a number of conditions.

Flooding

No flooding issues are identified.

Location/Siting of the Building

This point allows for consideration of 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 (dwelling houses). The application site has an established access track linking directly to a main road and therefore would not require the provision of any significant amendments to the access arrangements. Whilst in the open countryside and not within a truly sustainable area, the application site is not so remote so as to consider it an impractical or undesirable location.

Building Operations/Design/External Appearance

This matter links with section Q1(i) and both matters are considered together. The application is accompanied by a report entitled 'Structural Calculations for the Existing Portal-Frame Agricultural Building at Hayes Gate Farm,' and dated June 2017. It is noted that the Structural report submitted for this application is marked as Revision C whereas the report which accompanied the refused DET/2017/0030 application was Revision B, both reports are however dated June '17. The document concerns itself with the structural calculations of the steel framed building but similar to the report submitted with the refused application, there are no details concerning the actual works which would have to be undertaken to allow the building to function as a dwelling house. Previously the Structural report stated that the column and rafter stays are 'sufficient' but that the 'frame will be stiffened by the additional bracings and internal fit out.' Officer's previously questioned whether any further stabilisation work was required and if so to what extent. Reference to the frame and internal fit out has now been removed. Blue steel supports have been added to the building along the north eastern facing elevation, linking columns with the roof and gable end. These supports are clearly not part of the original building and appear to be needed to strengthen the frame. Again the report does not give any details concerning the suitability (or otherwise) of the foundations. The plans clearly show a building with thicker outer walls than those currently in place. The Planning Statement provides some detail about the type of work which will have to be undertaken. Paragraph 3.9 of the Planning Statement informs that the existing roof and exterior walls will be retained and that the proposed building operations will be new windows, new doors and the installation of water, drainage, electricity, gas/other services. It is possible that there are asbestos containing materials which form part of the building, this is raised as a possibility by the Environmental Health officer and could, for example, mean that the entire roof would have to be removed and replaced. It is clear that the walls and roof will require improvement work to make them acceptable for residential use but the amount of work is unknown.

The accompanying Planning Statement comments that the internal conversion works are not 'development' and therefore do not require planning consent. However, the internal works cannot be dismissed entirely as they are indicators of the suitability of the building for conversion. The 'Plans as Proposed' (005G) identify that the existing blockwork and corrugated sheeting will be used but it is not clear whether this is the existing building fabric or fabric that will be rebuilt and replicated.

Whilst it is recognised that the applicant has provided more information about the proposed work it still isn't conclusive that the building works are 'reasonably

necessary' in accordance with Q1(i) and, in accordance with Part 3 (W) the Local Planning Authority can refuse an application on these grounds.

The National Planning Policy Framework, Core Strategy and adopted Supplementary Planning Guidance all seek well designed developments, not only in relation to the building in question but also by having regard to its resultant impact upon the surrounding area. Developments should be of a high quality, add value to an area and respect the site and its surroundings. In particular, paragraph 64 of the NPPF states that 'permission should be refused for development of poor design.

It is still considered that the building is not one which was intended to have a permanent presence on the landscape. The building is of utilitarian design and built for its functional use as an agricultural building in this location. The building is readily visible from both the road and the public footpath running through the site and any development on this site will have a visual impact. It is recognised that the applicants have amended the finished design of the property, render is no longer proposed and that the extent of Yorkshire boarding use has been reduced.

The window arrangements have been amended but not to such a degree as to overcome the previous concerns. Many of the openings are new and unnecessary (serve the same room) and have a regular sized appearance. The openings in many areas are repetitive in their positioning and sizes. The lounge/dining room would be served by three full height windows, one extending into the upper gable end as well as two skylights. There is only one door serving the building (and it is questioned whether this is Building Regulations compliant) which, due to the full height glazed panels on either side, has a very domestic appearance. The large and numerous areas of glazing would result in features which are not characteristic of a portal framed agricultural building.

Notwithstanding the design amendments, this application still proposes a development which, if allowed, would extend the life of a building which was never meant to be permanent. The building would be incongruous with its rural surroundings, a visually awkward structure clearly at odds with the surrounding countryside. This is an area of high landscape sensitivity and an area where development should be of a high standard and sensitive to the heritage and landscape of the area.

Protected Species

One of the reasons why the previous application was refused was on the basis of the application not providing any information concerning protected species however, the application now being considered does include protected species information. The Council's Ecology advisor has assessed the application and comments that the building has negligible potential for bat roosts but did contain active swallow nests at the time of the survey. A condition is recommended requiring demolition to only be carried out between 1st March and 31st August unless a check for breeding birds has been carried out by an ecologist. No work should be carried out if breeding birds are present and should not be started until all dependent young have left the site. The officer also recommends a number of Biodiversity enhancements including the installation of bat tubes and Sparrow Terraces.

CONCLUSION / PLANNING BALANCE

The Local Planning Authority may refuse an application where, in the opinion of the authority the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions which are applicable to the proposed change of use. It is not considered that the Structural Calculations report is sufficient to demonstrate that the building could be converted into a dwelling with only works which are 'reasonably necessary.' Furthermore, acceptance of the application would result in a poorly designed structure which would be visually incongruous within its rural surroundings and visible from the public domain.

OFFICER RECOMMENDATION : Refuse

Case Officer: Lisa Jackson

Recommendation Date: 15/3/18

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council