SAMMONS Architectural LIMITED
Chartered Institute of Architectural Technologists

10 Cawdry Buildings
Fountain Street
Leek, Staffordshire, ST13 6JP
Tel / fax 01538 386002
e-mail info@sammonsltd.co.uk

PLANNING STATEMENT

PROPOSAL : PRIOR NOTIFICATION FOR THE CHANGE OF USE OF AN EXISTING AGRICULTURAL BUILDING INTO A SINGLE DWELLING

ADDRESS : THE OLD FARMHOUSE, PORTERS LANE, BRADNOP, ST13 7NQ

APPLICANT : MR & MRS HUDSON

DATE : JUNE 2019 JOB No. : 2018-2372

CONTENTS:

1.0 INTRODUCTION

2.0 SITE DESCRIPTION

3.0 HISTORY

4.0 PROPOSAL

5.0 ASSESSMENT

6.0 CONCLUSION

1.0 INTRODUCTION

Sammons Architectural Ltd have been appointed by Mr & Mrs Hudson to prepare and submit a prior notification application for the change of use of an existing agricultural building to a single dwelling with associated building operations at The Old Farmhouse, Porters Lane, Bradnop.

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 The Town & Country Planning (General Permitted Development) (England) (Amendment) Order 2018 and the subsequent amendments made to the Government's on line Planning Practice Guidance (PPG), including in respect of Paragraph 105 and concludes that the proposal amounts to permitted development.

2.0 SITE DESCRIPTION

The application site lies on the eastern side of Porters Lane, Bradnop close to its junction with Douse Lane. It comprises of a traditional Staffordshire Moorlands style longhouse with range of traditional stone and tile outbuildings with a two storey building to the north and a single storey building to the west forming a loose courtyard style arrangement. A range of more modern portal framed buildings lie to the north with open countryside to the east and south.

The application building comprises of a concrete block structure which lies on the southern side of the vehicular access which is taken directly off Porters Lane. The building essentially comprises of three distinct elements the main part of which is a pitched roof concrete block building which lies in the centre with a small single storey mono pitched building attached to the western elevation and a small infill extension located to the east behind the more traditional single storey outbuilding. The vehicular access to the main house runs contiguous with the northern elevation of the building with the area to the north and west providing overspill parking. An agricultural paddock lies immediately to the south of the site.

3.0 HISTORY

A prior notification approval to convert the two storey stone barn to the north east of the application building was originally refused under application number DET/2014/0024. A subsequent application was approved under application number DET/2014/0048 in December 2014. An application to discharge conditions 3, 4, and 5 relating to this application was subsequently submitted in December 2017 under application number DOC/2017/0113 and according to the Council's website remains invalid.

4.0 PROPOSAL

It is proposed to convert the existing agricultural building into a single dwellinghouse under the Permitted Development rights afforded in Part 3 Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015. The scheme as submitted would provide a single two bedroom dwelling with open plan living kitchen arrangement with family bathroom. The building to the east would be demolished to provide a small contained patio area whilst an area to the west would provide a garden with parking provision further beyond. Access to the proposed dwelling will be via the existing access off Porters Lane.

As well as the change of use of the building the proposal seeks approval for the associated operational development to facilitate the conversion which includes the removal of the existing fibre cement roof and its replacement with grey composite steel sheeting and installation of windows and doors.

5.0 ASSESSMENT

This is an application for a change of use of an agricultural building to two dwellings 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 (dwellinghouses) 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).

In order to show that the above scheme complies with the permitted development requirements each criteria is assessed against the proposal below.

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.

The Old Farmhouse and its associated buildings, including the application building, originally formed part of Brook Farm a bona fida genuine and established agricultural holding. In August 2004 the applicant purchased the farmhouse and the buildings within the red edged site area whilst the majority of the land, albeit 2 acres, and the remaining buildings were purchased by her brother and used in conjunction with his neighbouring holding on the main Leek to Ashbourne Road.

The granting of a prior notification on an adjacent agricultural building, albeit for the applicant's brother, confirms that the Local Planning authority consider the unit to be an established agricultural unit.

Whilst the application building has been redundant since its purchase and therefore not currently in use it has not had any intervening use and was last used solely for

an agricultural use as part of an established agricultural unit and as such is considered to accord with criterion (a).

(b) in the case of:

(i) a larger dwellinghouse, within an established agricultural unit -

(aa) the cumulative number of seperate larger dwellinghouses developed under Class Q exceeds 3; or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under class Q exceeds 465 square metres;

(c) in the case of:

(i) a smaller dwellinghouse within an established agricultural unit -

(aa) the cumulative number of seperate dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one seperate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following:-

(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

(ii) the cumulative number of seperate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5.

The existing agricultural building has a footprint of 123 sq metres. The proposed conversion would have a floor area of 94sq. metres at ground floor. This is clearly below the 450 sq.metre limit. This is the second dwelling to be provided under Class Q on the agricultural holding and as such the proposal is considered to accord with criterion (c) and (d).

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained:-

(f) 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 (e) and (f) are not considered applicable to this proposal.

(g) 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 foreseeable future. The proposal is therefore considered to accord with criterion (g).

(h) 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 shell of the existing building. The proposal is therefore considered to accord with criterion (h).

Paragraph Q.1. (i) places restrictions on the building operations which can be undertaken. It states that development is not permitted if it would consist of building operations other that

(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 submitted drawings illustrate the proposed layout and elevations of the proposed conversion. In summary the only building operations proposed amount to the installation of windows and doors,

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 dwelling will be accessed via the existing track that serves the site off Porters Lane and adequate off road parking is provided as part of the scheme. Taking into account the fact that this access is already used for domestic purposes it is considered that the proposed development will not give rise to any adverse highway safety impacts. 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 single 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 proposal is therefore considered to be acceptable in this regard.

(c) contamination

Historically and to date the site 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. Previous excavations have not identified any ground contamination whatsoever at this site. All excavated material for service trenches will be retained on site. The existing building does not contain any harmful

materials that would propose any contamination risk. In the unlikely event that any contaminants are identified safe disposal advice will be sought from the Environment Agency. The proposal is therefore considered to be acceptable in the context of criterion Q.2(1)(c).

(d) flooding risks on the site

A review of the Environment Agency's website reveals that no part of the site is in flood zone 2 or 3 nor 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 structurally sound and easily capable of conversion. It lies

within close proximity to other residential dwellings 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. 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 form and appearance of the original building. The conversion will be carried out within the shell of the existing building and existing door and window openings will be re-used where possible with new openings kept to a minimum. 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.

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.

5.4 Whilst the application building is not a traditional vernacular building it is an existing redundant building which has a degree of permanence being constructed from concrete block work walls and sheeted roof. Overall it is structurally sound and is physically capable of conversion with only limited repair works being necessary. 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 a minimum. All new openings would be of a local traditional design with a simple agricultural appearance. 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 a single dwelling would 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.

6.0 Conclusion

6.1 Having regard to the aforementioned information it is considered that the proposal as submitted constitutes 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 invited to confirm that their prior approval is not required in this instance.