
PLANNING STATEMENT CLASS Q APPLICATION

GREENWAY HALL FARM,
GREENWAY HALL ROAD,
LIGHTOAKS, STAFFORDSHIRE,
ST2 7NA

APPLICANT:
Mr and Mrs J Gater

DATE:
28 September 2021

Report Drafted By	Report Checked By	Report Approved By
BM	MH	MH
18.08.21	27.09.21	27.09.21

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1. INTRODUCTION

BRIEF

- 1.1 Hourigan Connolly is instructed by Mr and Mrs J Gater (hereafter referred to as the applicant) to lodge a Prior Notification application with Staffordshire Moorlands District Council (hereafter referred to as the Council and the Local Planning Authority (LPA)). The application relates to a proposal for a change of use of an agricultural building to a dwelling (Class C3) and for associated works at Greenway Hall Farm, Greenway Hall Road, Lightoaks, Staffordshire, ST2 7NA (hereafter referred to as the site). The application is submitted pursuant to Class Q of the Town & Country Planning (General Development) (England) Order (2015) as amended by subsequent amendments to the Order.

BACKGROUND

- 1.2 The applicant has decided that the subject building is surplus to their agricultural requirements and the existing agricultural activities can be undertaken in other existing buildings in the vicinity of the subject building.

PURPOSE

- 1.3 The purpose of this Planning Statement is as follows:
- To describe the site and surrounding area.
 - To examine any relevant previous planning decisions that have been made in relation to the site.
 - To identify any statutory or local planning-related designations affecting the site.
 - To provide details of the scheme that is now being brought forward.
 - To consider the proposed development having regard to the provisions of Class Q of the General Permitted Development Order.

2. THE SITE & SURROUNDING AREA

- 2.1 The site is located in the area of Lightoaks, falling within the Staffordshire Moorlands District Council administrative area close to the border with Stoke-on-Trent City Council. The site is positioned less than 1 km east of the A53 main road in Baddeley Green, which links the towns of Leek to the northeast and Hanley to the southwest. The location of the site is shown in Figure 2.1 below:

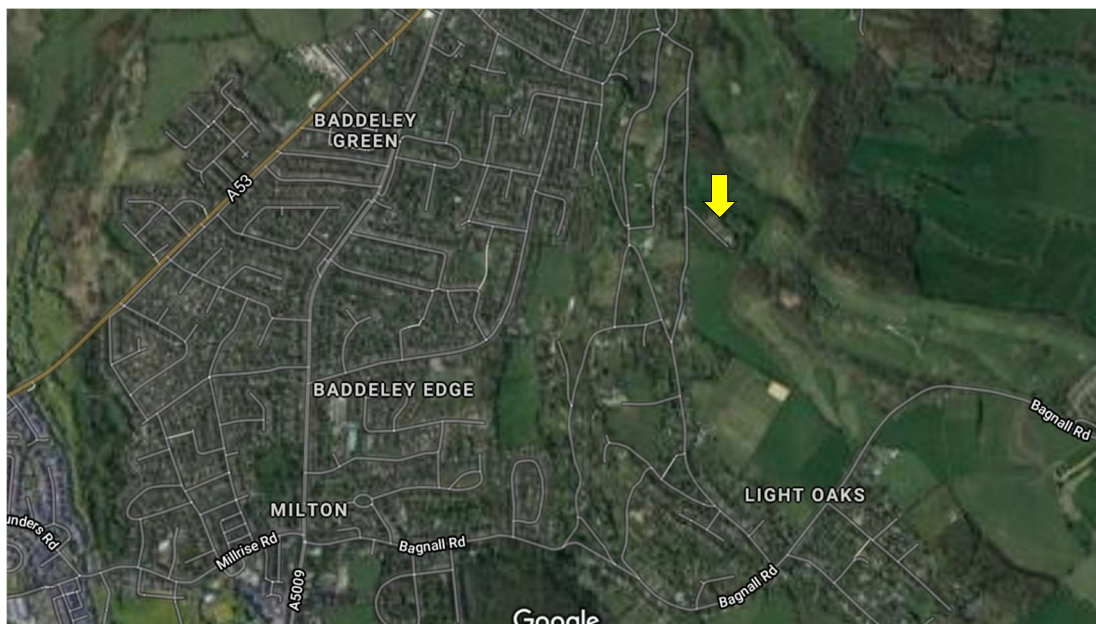


Figure 2.1 – General Location of the Site – Yellow Arrow – Source: Google Maps.

THE SITE

- 2.2 The site comprises a stone and brick agricultural building which forms one of a collection of agricultural buildings set in a horseshoe shape cluster around a central courtyard area. These buildings are used by the applicant as part of the agricultural business at Greenway Hall Farm. The applicant owns a herd of an average of 15 / 16 cattle which produce wagyu beef and will continue to use other existing agricultural buildings within the farm complex for this purpose.
- 2.3 The subject site is accessed via a private track which runs in an east-west direction, with direct access off Greenway Hall Road – the building is located circa 80 m down the track. The private track also provides access to Greenway Hall, located to the east of the subject building and being the residential property where the applicant currently resides.
- 2.4 The land slopes gradually downwards from the private track in a northerly direction which results in the cluster of buildings and associated courtyard sitting at a slightly lower ground level than the gated vehicular access point. The surrounding land slopes in the same manner, with the land to the south being higher than the land and buildings associated with Greenway Hall Farm.

- 2.5 In the wider setting, the site is bounded by open agricultural land to the north and south. To the east is the outer reaches of Greenway Hall Golf Club, whilst to the west on the opposite side of Greenway Hall Road, stand intermittent rows of residential properties. Some of the land to the immediate north of the subject building is domestic garden land associated with Greenway Hall.

3. STATUTORY & OTHER DESIGNATIONS

HERITAGE DESIGNATIONS

- 3.1 There are no heritage assets on or within close proximity of the site.

FLOOD RISK AND DRAINAGE

- 3.2 An extract from the Flood Map for planning is set out below which confirms that the site is within Flood Zone 1.

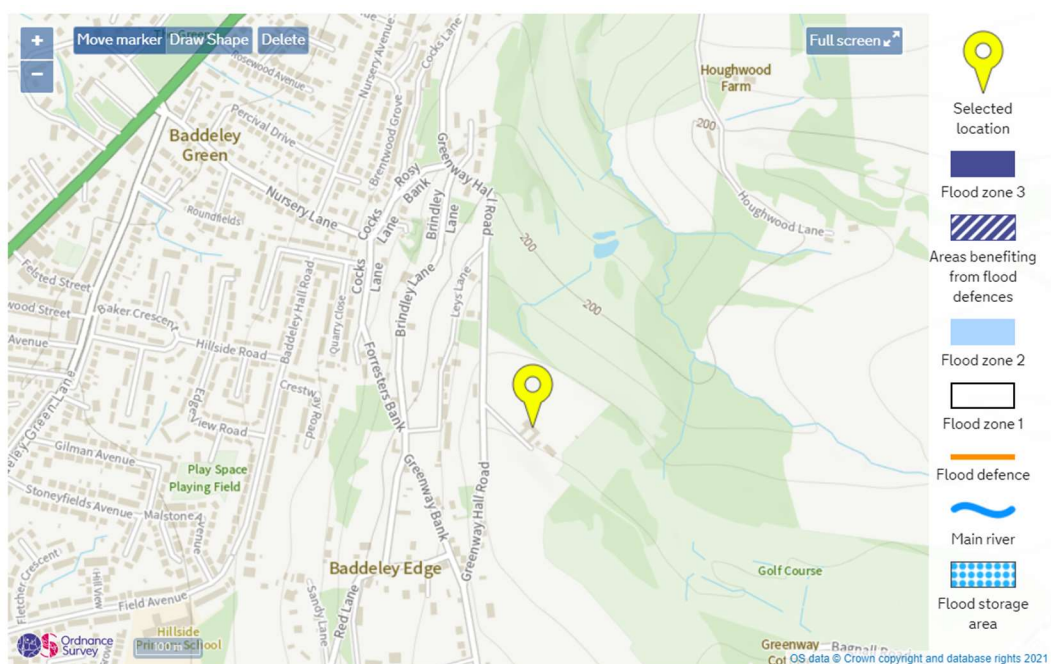


Figure 3.1 – Extract From Flood Map For Planning.

PUBLIC RIGHTS OF WAY (PROW)

- 3.3 There is no PROW within the site but it is noted that the route of the Bagnall no. 23 footpath runs parallel to the route of the private track which provides access to the application site and Greenway Hall – the footpath itself is within the agricultural land to the south of the track on the other side of a stone wall:

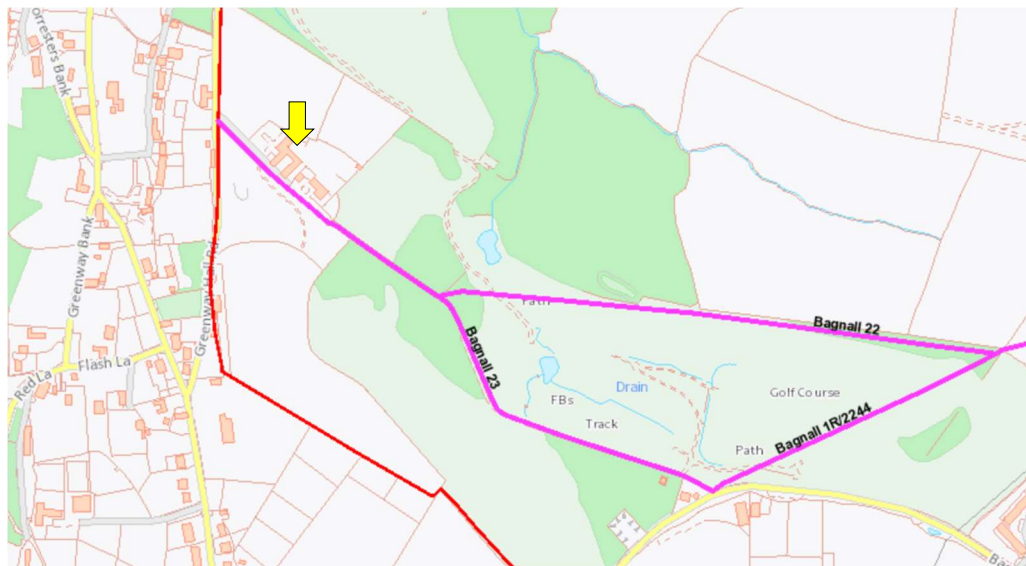


Figure 3.2 – Extract from ROWMAPS website showing the PROW (pink line) (Greenway Hall Farm indicated with yellow arrow)

TREE PRESERVATION ORDERS (TPOs)

- 3.4 According to the Council's interactive Local Plan map there are no TPOs at the application site, but in any event the proposals do not affect any trees.

ECOLOGY

- 3.5 Wetley Moor (SSSI) is located 2km southeast of the site, and Greenway Hall Golf Course (SBI) is located circa 176 m to the east, as illustrated at Figure 3.3 below. The proposals will have no impact on either the SSSI or the SBI.

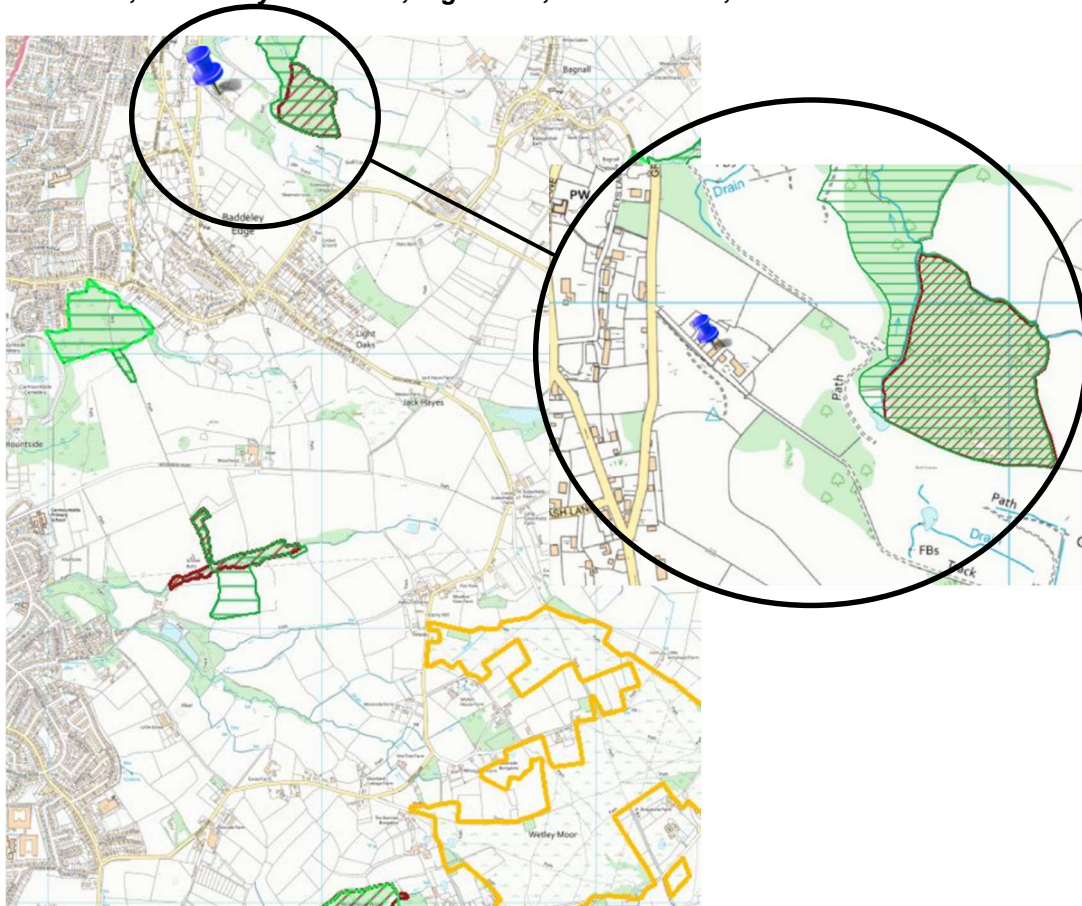


Figure 3.3 – Extract from Council Interactive Local Plan website showing location of SSSI and SBI.

AIR QUALITY

- 3.6 The site is not within an Air Quality Management Area (AQMA), but for completeness it is noted that the Stoke-on-Trent AQMA is located nearby, with the extent of the AQMA ending at Greenway Hall Road. This AQMA was originally declared in 2006 and encompasses an area covering the whole city of Stoke-on-Trent.

4. PLANNING HISTORY

4.1 According to the Council's website the following applications relate to the application site.

PRIOR APPROVAL APPLICATION – DET/2019/0010

4.2 On 09 October 2019 the Council granted Prior Approval for a new metal framed barn, with sides partially open or enclosed with Yorkshire boarding/concrete panels. The location of the barn is to the west of the building subject to this current application, as indicated in Figure 4.1 below:

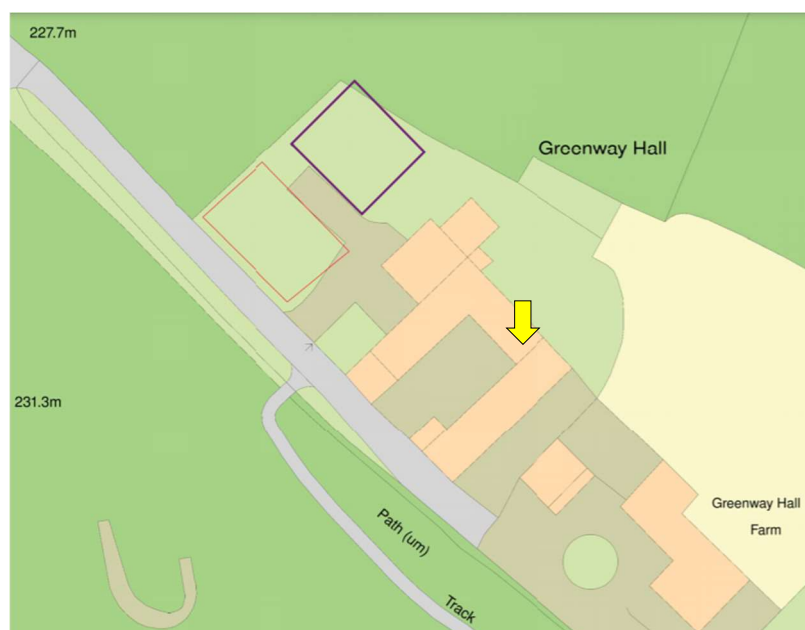


Figure 4.1 – Extract from Location Plan for application DET/2019/0010 with building subject to the current application indicated by yellow arrow

4.3 The named applicant in both this historical Prior Approval and the current application are the same. **For the avoidance of doubt, this Prior Approval has not been implemented.**

4.4 There are two further planning applications relating to the wider Greenway Hall site, but which are not directly related to the application site:

Application Reference: SMD/2009/0168.

Proposal: Installation of one wind turbine.

Decision: Planning Permission granted 31 July 2009.

Application Reference: SMD/2009/0126.

Proposal: Installation of 1 wind turbine.

Decision: Withdrawn 09 April 2009.

5. THE PROPOSED DEVELOPMENT

- 5.1 It is proposed to convert the building shown in drawing reference 100421-004-P0 to a 2-bed dwelling (drawing reference 100421-005-P0). The dwelling would measure a floorspace of 283.67 sqm.
- 5.2 In terms of the curtilage for the dwelling this will extend to 282.7 sqm.
- 5.3 The curtilage of the dwelling will provide sufficient private amenity space and an adequate area for the parking and manoeuvring of cars.

6. ASSESSMENT

INTRODUCTION

6.1 As noted in Chapter 1 the application is being made pursuant to Class Q, of the Town & Country Planning (General Permitted Development) (England) Order 2015 (hereafter referred to as the GPDO) and subsequent amendments to the Order.

6.2 The Government introduced permitted development rights which allow the change of use of an agricultural building without requiring the express permission of the LPA, subject to a number of criteria being met and a number of conditions being satisfied. The provisions confirm that the following is permitted development:

(a) a change of use of a building and any land within its curtilage from a use as agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or

(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

6.3 In this case change of use and building works are proposed.

DOES THE PROPOSED DEVELOPMENT FALL INTO THE DEFINITION OF CLASS Q?

6.4 To qualify for permitted development rights afforded by Class Q the building must be an agricultural building as defined in the Order:

“A building (excluding a dwellinghouse) use for agriculture and which is so used for the purpose of trade or business”.

6.5 Agriculture is defined by Section 336 of the Town & Country Planning Act 1990 (As Amended):

Horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agriculture” shall be construed accordingly”.

- 6.6 In this case it is evident that the building and the surrounding land the subject of the application is in agricultural use. This has previously been accepted by the LPA in respect of the previous Prior Approval application LPA Reference: DET/2019/0010.

LONG TERM USE

- 6.7 Permitted development rights only apply to buildings which have solely been in long term agricultural use. In accordance with the Order this means that the building must have been in agricultural use, on or at some date before, 20 March 2013.
- 6.8 In this case it is evident that the building was in agricultural use well before 20 March 2013. Moreover, the building remains in agricultural use.

SIZE THRESHOLDS

- 6.9 In this case the development complies with the size thresholds set out in the Order in that:
- A single large dwelling is proposed that is greater than 100 sq. m.
 - The overall floorspace of the dwelling is 283.67 sq. m. and is therefore below the 465 sq. m threshold set out in the GPDO.
 - No other conversions of agricultural buildings to dwellinghouses have been approved on the agricultural holding under Class Q of the Order.

AGRICULTURAL TENANCIES

- 6.10 We confirm that the agricultural holding is not subject to nor occupied under an agricultural tenancy.
- 6.11 Moreover, we confirm that an agricultural tenancy has not been terminated less than one year before the application was made.

PREVIOUS WORKS AGREED UNDER PERMITTED DEVELOPMENT RIGHTS

- 6.12 Permitted development rights are excluded where other development has been **carried out** under Part 6 Class A (a) or Class B (a) of Part 6 of the Order (i.e. the erection, extension, or alteration of an agricultural building on the established agricultural unit) since 20 March 2013, or where development under Class Q begins after March 2023, where previous development has been approved under the Class Q provisions in the preceding 10 years.
- 6.13 Prior Approval was granted in October 2019 (DET/2019/0010) for a new agricultural building (as noted in Chapter 3), however this Prior Approval has never been implemented, as the Council will note on their site visit.
- 6.14 None of the above matters therefore apply to this application.

BUILDING OPERATIONS

- 6.15 Class Q provides that development cannot result in the external dimensions of the proposed dwellinghouse extending beyond the external dimensions of the existing building at any given point, in other words the envelope of the building must not be enlarged in any way. The submitted plans and drawings demonstrate that the building envelope will not be enlarged.
- 6.16 Class Q also refers to conversion rather than rebuilding although a wide range of building works are permitted under Class Q and include:
- The installation or replacement of windows, doors, roof or exterior walls;
 - Water, drainage, electricity, gas and other services to the extent reasonably necessary for the building to function as a dwellinghouse.
- 6.17 In respect of the above provisions the proposals do provide for the installation of windows and doors and the replacement of the roof coverings however as noted above the building envelope will not be enlarged in any way.
- 6.18 Moreover, the enclosed structural report confirms that the building is suitable for conversion and would not require rebuilding in accordance with Paragraph 105 Reference ID: 13-105-20180615 of the Planning Practice Guidance (PPG).
- 6.19 Furthermore, the PPG notes that internal works are not development so whilst the proposals require the creation of new internal walls to form rooms within the dwelling and the provision of insulation such works are not excluded by Class Q.
- 6.20 In respect of utilities the building already has an electricity and water supply. In respect of foul water, the dwellinghouse would be served by a septic tank and in that respect the applicant would not object to a condition requiring the submission of a foul and surface water scheme before development commences.

RESIDENTIAL CURTILAGE

- 6.21 In terms of the residential curtilage to be formed by the proposals the LPA will note that this extends to 282.7 sq m. and that is it therefore less than the 405.40 sqm. of the existing agricultural building in accordance with the provisions of the GPDO.

DEMOLITION

- 6.22 Class Q allows for reasonable demolition but for the avoidance of any doubt the proposals do not involve any demolition.

OTHER RESTRICTIONS

6.23 There are other restrictions in Class Q and these are dealt with below:

- The site is not within in a Conservation Area.
- The site is not in an Area of Outstanding Natural Beauty.
- The site is not in an area specified by the Secretary of State for the purposes of enhancement and protection of the natural beauty and amenity of the countryside.
- The site is not in the Broads.
- The site is not in a National Park.
- The site is not in a World Heritage Site.
- The site is not within a Site of Special Scientific Interest.
- The site is not within a safety hazard area.
- The site is not in a military explosives storage area.
- The site does not contain a Scheduled Monument.
- The site does not comprise a listed building and neither is the site within the curtilage of a listed building.

THE PRIOR APPROVAL PROCESS

6.24 Having established that the proposed conversion complies with Class Q it is then necessary for the LPA to determine whether prior approval is required for specific elements of the development to determine whether they are acceptable before work can proceed, as set out in Paragraph W of Part 3 of the Order. The specific elements to be considered are:

- Transport and highways impact of the development.
- Noise impacts of the development.
- Contamination risks on the site.
- Flooding risk 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 dwelling house.

- The design or external appearance of the building.
- The provision of adequate natural light in all habitable rooms of the dwellinghouse.

6.25 The above matters are considered below:

TRANSPORT AND HIGHWAYS IMPACT OF THE DEVELOPMENT

6.26 As can be seen in the submitted plans and drawings and Figure 6.1 below the existing access from the adopted highway is suitable for access by larger farm vehicles, as well as private cars accessing the existing residential home at Greenway Hall. There is adequate visibility in either direction to serve both the existing and new home, and the continued farming activities.





Figure 6.1 Existing Access/Egress Arrangements off Greenway Hall Road.

NOISE IMPACTS OF THE DEVELOPMENT

- 6.27 The applicant operates a small wagyu beef farming business from some of the other agricultural buildings which adjoin the application building. As the submitted existing drawings show, all activities associated with the farm business are operated from those barns on the western side of the courtyard, with the cattle being housed in the winter months and inclement weather in the barn which faces outwards towards the fields to the west. The other buildings that have door and window openings which face into the existing courtyard area are used for storage purposes only, i.e., feed, bedding, equipment etc. all associated with the farm. In this regard, there would be no need for any animals to enter the courtyard area.
- 6.28 The new dwelling created by the change of use of the agricultural building would be accessed via the courtyard area. However, the majority of farm activity would take place on the western side of the existing buildings, therefore creating some distance between farming and domestic activities.
- 6.29 With the above in mind the LPA can be confident that future occupiers of the site will not be subject to any adverse noise issues from agricultural activity.
- 6.30 Furthermore, there are no noise generating activities in close proximity to the site that would adversely affect residential amenity.

CONTAMINATION RISKS ON THE SITE

- 6.31 We are instructed that the building is not contaminated; it has been used for storage purposes associated with the existing farm.

FLOOD RISK

- 6.32 As noted in Chapter 4 the site is located in Flood Zone 1, it is at a low risk of flooding and hence a Flood Risk Assessment is not required.

WHETHER THE LOCATION OR SITING OF THE BUILDING MAKES IT OTHERWISE IMPRACTICAL OR UNDESIRABLE FOR THE BUILDING TO CHANGE FROM AGRICULTURAL USE TO A DWELLING HOUSE

- 6.33 The National Planning Practice Guidance (PPG) provides clarification regarding the above condition at Paragraph 109 (Reference ID: 13-109-20150305):

“Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would “not be sensible or realistic”, and undesirable reflects that it would be “harmful or objectionable”.

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.

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

When a local authority considers location and siting in this context it will not therefore be appropriate to apply tests from the National Planning Policy Framework except to the extent 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”.

- 6.34 The applicant intends to occupy the building in the event that Prior Approval is granted; they will move from the adjacent Greenway Hall into the new home. Greenway Hall, will be occupied by

a relative of the Applicant. The applicant has therefore paid close attention to the proposed internal configuration of the proposed new dwelling, as well as the outside access arrangements and the new curtilage associated with the dwelling.

- 6.35 Finally, it is important to note the use of the word “may” in the PPG extract above. It should not be concluded that the dwelling in proximity to agricultural buildings will always be unacceptable. All factors have to be considered on a case-by-case basis.

THE DESIGN OR EXTERNAL APPEARANCE OF THE BUILDING

- 6.36 The design and external appearance of the building is fully detailed in the submitted plans and drawings. A sympathetic approach has been taken to reflect the building's existing character. In that respect Prior Approval for this matter should not be required.

THE PROVISION OF ADEQUATE NATURAL LIGHT IN ALL HABITABLE ROOMS OF THE DWELLINGHOUSE

- 6.37 As can be seen in the submitted plans and drawings all habitable rooms (“habitable rooms” means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms corridors, laundry rooms, hallways or utility rooms - see Section 19 of The Town & Country Planning (Permitted Development & Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020) will be provided with adequate levels of natural light.

CONCLUSION

- 6.38 We have clearly demonstrated that the proposals meet the criteria to be considered appropriate under Class Q of the Order. In respect of the prior approval process, it is considered that prior approval should not be required other than for those matters identified above.
- 6.39 Should the LPA be minded to approve the application, conditions will be necessary in respect of the approved plans and drawings and foul and surface water to ensure an appropriate drainage regime for the dwelling. Furthermore, the LPA will need to impose the standard condition in respect of completion of the development within 3 years of the prior approval date specified in the Decision Notice.

7. CONCLUSIONS

- 7.1 Hourigan Connolly is instructed by Mr and Mrs J Gater to lodge a Prior Notification application with Staffordshire Moorlands District Council. The application relates to a proposal relating to a change of use of an agricultural building to a dwelling (Class C3) and for associated works at Greenway Hall Farm, Greenway Hall Road, Lightoaks, Staffordshire, ST2 7NA. The application is submitted pursuant to Class Q of the General Permitted Development Order (2014) as amended by subsequent amendments to the Order.
- 7.2 We have clearly demonstrated that the proposals meet the criteria to be considered appropriate under Class Q of the Order. In respect of the prior approval process it is considered that prior approval should not be required except for those matters described in this Planning Statement.
- 7.3 Should the LPA be minded to approve the application conditions will be necessary in respect of the approved plans and drawings, foul and surface water (to ensure an appropriate drainage regime for the dwelling) contamination. Furthermore, the LPA will need to impose the standard condition in respect of completion of the development within 3 years of the prior approval date specified in the Decision Notice.