

PLANNING STATEMENT

PROPOSAL : PRIOR APPROVAL UNDER PART 3, CLASS Q OF THE TOWN & COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 FOR THE CHANGE OF USE, INCLUDING OPERATIONAL WORKS FROM AGRICULTURAL BUILDING INTO 2 DWELLINGS

ADDRESS : WILLOWSHAW FARM, CLOUDSIDE, CONGLETON, CW12 3QQ

APPLICANT : MR S MOSS

DATE : OCTOBER 2021 JOB No.: 2020-2545

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INTRODUCTION

- 1.1 This statement is submitted in support of a prior notification application for the change of use of an agricultural building to two dwellings with associated building operations at Willowshaw Farm, Cloudside, Congleton.
- 1.2 The application has been submitted by Sammons Architectural Ltd on behalf of Mr S Moss and is accompanied by drawing numbers 2020-2545-04, 2020-2545-05, 2020-2545-17, 2020-2545-18A and 2020-2545-19. A structural survey undertaken by Cheshire Structural Design Services (Feb 2021) and a Bat Survey undertaken by Absolute Ecology (September 2020) have also been submitted both of which should be read in conjunction with this statement.
- 1.3 This is a second attempt resubmission of an earlier scheme which proposed change of use to four dwellings under application reference DET/2021/0019 and which was refused on the 23rd June 2021 for the following reason:-
 1. *The design and external appearance of the building, due to its scale, form and finishing materials is of poor design and quality and detracts from the character and appearance of the site and surrounding rural area. The proposal, by retaining these features of the building and incorporating them within the proposed development, would result in a residential development with a poor design and appearance which would further harm the appearance of the area and therefore would fail to comply with Part 3 Class Q2(1)f of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as well as policy DC1 of the adopted Staffordshire Moorlands Local Plan 2020 and the design policies of the NPPF.*
- 1.4 This revised application is a direct response to the recently refused application. This planning statement assesses the proposed development against the relevant criteria laid out in Schedule 2 Part 3 Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended 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 APPLICATION SITE AND ITS SETTING

- 2.1 Willowshaw Farm is a working farm which lies on the south eastern side of Cloudside. It comprises of a traditional stone and tile farmhouse with adjoining two storey traditional barn and a range of more modern portal farm buildings and working farmyard. The site lies close to the junction of Cloudside with Dial Lane and the area is characterised by sporadic groups of dwellings on this side of the valley with the land falling away in a north west to south east and south west to north east direction. For the purposes of the development plan the application site lies within the North Staffordshire Green Belt.
- 2.2 For the purposes of this application the application buildings comprises of two modern farm buildings which lie to the north west of the farmhouse. The application buildings have dual pitched roofs and are of substantial and permanent construction. The larger steel portal frame comprises of 2 rows of central columns breaking the span of the frame in to 3 spans with

a timber mezzanine deck either side of a central corridor. Insitu concrete side walls are present between the external steel columns up to approx. 2m in height, timber purlins and side rails supported a corrugated cement board sheet cladding.

- 2.3 The smaller portal frame building is clear span with similar timber purlins and side rails supporting a corrugated cement board sheet cladding.

3. THE PROPOSED DEVELOPMENT

- 3.1 The application seeks prior approval under Part 3 Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (As Amended) for the conversion of the agricultural building with associated building operations to form 2 dwellings.
- 3.2 The scheme as submitted would provide two larger dwellinghouses each comprising of an open plan living, kitchen, dining room with ground floor ensuite bedroom, entrance lobby and utility room and two further bedrooms on a mezzanine level above.
- 3.3 As well as the change of use of the building the proposal seeks approval for the associated operational development necessary to convert the building into two dwellings. More, specifically, the proposals include the:-
- Demolition of the adjacent building
 - Installation of new door and window openings within the exterior walls,
 - A new blockwork leaf is to be formed internally around the perimeter creating a cavity which will be insulated.
 - External concrete panels are to be retained.
 - Wall and roof sheeting are to be retained.
 - A new ceiling is to be installed over bedroom areas. New timber binders are to be fixed between steels with the voids between infilled with insulation before a plasterboard lining is applied below new timbers and steel rafters.
 - The existing concrete ground floor slab is to be replaced with new insulated floor.
 - Electric and water supplies are currently on site and will be adapted to suit.
 - New internal walls to create habitable rooms.
 - The existing hardstanding surrounding the building is to be removed and replaced with garden curtilages and parking areas. The existing vehicular access is to be retained and used.

4.0 PLANNING POLICY

- 4.1 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 (As Amended). 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). The General Permitted Development Order also defines "development not permitted", and this states that: - Development is not permitted by Class Q if - Q1 (i) the development under Class Q(b) would consist of building operations other than - (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). PLANNING

PRACTICE GUIDANCE

- 4.2 The Planning Practice Guidance provides formal guidance on how to interpret the legislation. Paragraph: 105 Reference ID:13-105-20180222: Revision date 22.02.2018 states:-

"Building works are allowed under the right permitting agricultural buildings to change to residential use: Class Q of Part 3 of Schedule 2 to the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are "reasonably necessary" "to convert the building", which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roof, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right."

- 4.3 For a discussion of the difference between conversions and rebuilding, see for instance the case of *Hibbitt and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2853 (Admin).
- 4.4 Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q. Paragraph: 109 Reference ID: 13-109-20150305 | Revision date: 05 03 2015 states;

"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. "

5. KEY ISSUES

- 5.1 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 (As Amended).
- 5.2 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).
- 5.3 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 application site and buildings form part of Willowshaw Farm an established working agricultural holding which has been actively farmed by the applicant and his family since 1947. The application buildings are currently and solely in agricultural use and the proposal 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 separate 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 separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate 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 sq 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 separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

The submitted scheme proposes the provision of 2 new dwellings. Both of the dwellings would be identical having a ground floor area of 122 sq metres and a first floor area of 66 sq metres giving an overall floor area of 188 sq metres. The combined floor area of the two proposed units would therefore be 376 sq metres which is less than the 465 sq metres permitted. As such the proposal is considered to accord with criteria (b-d). No other changes have taken place under class Q.

(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 entirely 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 than

(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 all external wall and roofing materials are to be retained with the exception of panels of vertical timber boarding which have been introduced to visually break up the sheeting and provide some interest within the elevations. The only building operations proposed relate to the installation of new door and window openings within the exterior walls, formation of a new blockwork leaf is to be formed internally around the perimeter creating a cavity which will be insulated. Internal subdivisions to create habitable rooms. The existing concrete ground floor slab is to be replaced with new insulated floor, replacement of existing floor, adaption of electric and water supplies are currently on site and will be adapted to suit. and removal of existing hard standing surrounding the building to form domestic curtilages and parking areas. All of the above works amount to building operations that are permissible under criterion (i) and the proposal is therefore considered acceptable in this regard.

The application is accompanied by a Structural Survey which was undertaken by Cheshire Structural Design Services (Feb 2021) which confirms that the frames and structures in general are in good condition with only minor surface corrosion. All of the timbers appeared to be in good condition and there was no sign of lateral or vertical movement to any of the elements or structures. It concludes that the buildings could be readily converted into a habitable dwelling with minimal structural alterations.

The structural report together with the submitted plans demonstrate that the building operations other than those specified by Q.1 (i) would not be required to facilitate the change of use.

The proposed development includes the demolition of the adjoining smaller building attached to the south west. This building was built after the building being retained and despite being physically attached to the application building can be demolished without affecting the structural integrity of the application building which is to remain. It is necessary to demolish the adjacent building to provide windows and access points into the building. The

partial demolition of the application building is therefore considered to comply with Q1(i) (ii) in this regard.

It is also important to note that a previous application for the conversion of the application building to four dwellings, which was refused by the council under application reference DET/2021/0019 raised no objections to the structural integrity of the building or the associated building operations.

(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.

5.4 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.

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 application site and buildings are currently in an active commercial agricultural use. This involves deliveries to the site on a daily basis including at weekends and on a 24/7 basis including HGV's. In addition staff travel to the site each day to work.

Access to the units is to be made via the existing access between the traditional buildings and the application buildings. This access is to be revised, lowering its level below the floor level of units 1 and 2 removing the present hump. Each unit is to be provided with 2 parking spaces measuring 2.5m wide x 5.0m long. Consequently there is sufficient space for vehicles to park without causing any highway safety issues on the public highway. Taking into account the fact that this access is already used for agricultural purposes it is not considered that the proposal would result in any significant intensification of the use of the site which would give rise to any adverse highway safety impacts. Furthermore, no technical objections were raised on highway grounds during the assessment of the previous application. 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 two dwellings would not give rise to any adverse noise impacts and there are no surrounding uses that would be detrimental to future occupants of the building. The change of use would bring about a quieter environment without heavy vehicular traffic accessing the site. Again no technical objections regarding noise or amenity were raised as part of the consideration of the previous application. 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. 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 states 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.

The application site lies a short distance from Rushton Spencer which is designated a larger village in the adopted Local Plan which contains a number of facilities and services including a school, church, , public house village hall and employment opportunities. In addition it lies an equal distance from the market town of Congleton which provides a wider range of services and facilities.

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. No concerns regarding the sustainability of the site were raised as part of the previous application and it is therefore considered that the proposal is acceptable in the context of criterion Q.2.(1)(e) above.

(f) Design & External Appearance

The previous scheme for four units was refused on the basis of design and external appearance citing that that the scale, form and finishing material is of poor design and quality.

The application is accompanied by detailed plans and elevations of the existing and proposed buildings in their converted form. In order to address the issues of scale and form the proposal now seeks to demolish the smaller of the two buildings and retain and convert the larger one. It is considered that the removal of part of the

application building to reduce the overall scale and form of the application building adequately addresses the previous concerns regarding these issues. Furthermore, it is noted that similar sized buildings have been accepted by the Local Planning Authority for conversion under the prior approval process.

In terms of design the conversion will be carried out within the shell of the existing building and existing door and window openings will be re-used where appropriate. Whilst the application building is not traditional or vernacular the scheme has been sensitively designed to ensure that its agricultural origins have been retained. In order to address the design concerns levied against the previous proposal small elements of vertical timber cladding have been introduced on the building in order to break up its visual massing and provide some interest. The design and external appearance of the proposal is therefore considered to be acceptable in the context of criterion Q.2.(1)(f) above.

(g) Provision of Adequate Natural Light

The habitable rooms within the application building will all be served by existing openings which ensure appropriate levels of natural light. The proposal is therefore considered to be acceptable in the context of criterion Q.2.(1)(g) above.

6.0 Conclusion

6.1 Central Government enacted legislation to allow certain works to be Permitted Development which includes the conversion of agricultural buildings to dwellings but subject to certain restrictions and qualifying criteria. This application is not assessed within the Council's Adopted Development Plan but under the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 (As Amended). Therefore it is a matter of fact and assessment against national legislation (NPPF) and not that which has been adopted by the individual Planning Authority.

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 (As Amended). The Local Planning Authority is therefore respectfully invited to confirm that their prior approval is not required in this instance.