

DELEGATED DECISION REPORT

DET/2021/0033
Valid 28/09/2021

GREENWAY HALL
GREENWAY HALL ROAD
MILTON

**AN APPLICATION TO
DETERMINE IF PRIOR
APPROVAL IS REQUIRED FOR
A PROPOSED CHANGE OF
USE OF AGRICULTURAL
BUILDINGS TO
DWELLINGHOUSES (CLASS
C3), AND FOR BUILDING
OPERATIONS
REASONABLY NECESSARY
FOR THE CONVERSION.**

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

MAIN ISSUES

- Whether or not the application and proposal details as submitted comply with GPDO (2015) Schedule 2 Part 3 Class Q – permitted change of use
- transport and highways impacts;
- 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 (dwelling houses) of the Schedule to the Use Classes Order;
- design or external appearance of the building;
- the provision of adequate natural light in all habitable rooms of the dwelling house;
- Part 3 paragraph W (procedure for applications under Part 3 prior approval) including assessments of impacts or risks.
- Part 3 – paragraph X.

DESCRIPTION OF SITE

The application site is Greenway Hall, Greenway Hall Road, Milton. The property stands at the very edge of the Staffordshire Moorlands District which borders with the City of Stoke-on-Trent. The property has a relatively isolated feel to it, the site being accessed via a lengthy farm track off the public road. There are sporadically sited dwellings within the vicinity. Greenway Hall is the main farmhouse, the application building is positioned to the north-west and has a roughly 'U' shaped form around a central courtyard. The building comprises stone and brickwork walls with a tiled roof. To the rear of the building is grassland and wide stretching views to the west, north and east overlooking both part of the Staffordshire Moorlands District and the Stoke on Trent area. The courtyard area is mainly a hardstanding surface. The property stands within the Green Belt, it is not Listed and does not form part of any Conservation Area. There are no protected trees which need to be considered. Land levels

within the site vary. Around the application building the land is higher at the front, sloping gradually downwards towards the north.

PROPOSAL

Residential conversion of part of the building utilising the Class Q provisions. The conversion is within part of the north-eastern wing and part of the south-eastern and would extend to both the ground and first floors. External amenity space would be to the rear (north) and partly within the courtyard area. Parking would be to the eastern side of the building. Access to the site would be via the existing farm driveway and would be shared with the main farmhouse.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan

SS1	Development Principles
SS10	Other Rural Areas Strategy
DC1	Design Considerations
DC2	The Historic Environment
DC3	Landscape and Settlement Setting
NE1	Biodiversity and Geological Resources
Appendix 2	Parking Guidance

Supplementary Planning Guidance

1. Design Principles for Development in the Staffordshire Moorlands.

Supplementary Planning Document

1. Staffordshire Moorlands Design Guide

National Planning Policy Framework

Including sections;

- 2: Achieving sustainable development
- 5: Delivering a sufficient supply of homes
- 6: Building a strong, competitive economy
- 9: Promoting sustainable transport
- 12: Achieving well-designed places
- 13: Protecting Green Belt land
- 15: Conserving and enhancing the natural environment
- 16: Conserving and enhancing the historic environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

DET/2019/0010 New barn. Prior notification approved.

CONSULTATIONS

Publicity

Public Comments: No representations received.

Staffordshire Wildlife Trust: Holding objection. There is currently insufficient information to determine the full ecological impact of the application and to demonstrate there will be a biodiversity net gain, where possible.

Bagnall Parish Council: An application was submitted for an extra barn under DET/2019/0010, which has yet to be built. The conversion of the barn under this application is only for part of the barn. The Parish Council is concerned that the applicant is endeavouring to replace a perfectly good wooden barn with a steel one, using the defunct wooden barn for residential purposes. The development is in green belt.

Staffordshire County Council Highways: No objections subject to conditions and informative notes to the applicant/developer.

Severn Trent Water: No representations received.

Stoke on Trent City Council: Confirm that the City Council have no comments to make on the application.

Waste Services (SMDC): No issues regarding waste collection.

Environmental Health: No objections subject to conditions and informative notes.

OFFICER COMMENTS

Principle of development

The Town and County Planning (General Permitted Development) (England) Order 2015 (As amended) 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. Agricultural building is specifically defined at paragraph X to part 3 as meaning a building “used for agriculture and which is so used for the purposes of a trade or business”.

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. Part of the building is used for the storage of a domestic vehicle however this part of the building is not intended to form part of the residential conversion.

The applicant is understood to have approximately 20 acres of land and he stated at the time of the site visit that he had 16 cattle on the site. The supporting planning statement informs that the cattle produce wagyu beef and will continue to use other existing agricultural buildings within the farm complex for this purpose.

The application proposes for only part of the agricultural building to be converted into residential accommodation. The area proposed to be converted is part of the north-eastern facing and south-eastern facing range of the building. The officer site visit confirmed that the building had a range of uses, including cattle housing, pigsty, agricultural machinery storage, haybale, timber/log, implement storage. Notably the cattle feeding troughs and raised concrete slabs were still in situ within parts of the building. With a building of this age it would be unlikely if it hadn't been put to some storage use, what is clear is that the building is predominantly used for agricultural purposes. For these reasons it is considered that the proposal complies with part Q1(a).

Paragraph Q.1 a and b provide slightly different criteria depending on if the floorspace to be converted is classed as a 'larger dwelling house' or a 'smaller dwelling house.' Larger dwelling houses are defined as those having a floor space of more than 100 square metres and smaller dwelling houses having less than 100 square metres. This scheme would have a resultant floorspace area of approximately 281 square metres, therefore rendering the scheme as one forming a 'larger dwelling house.' As such it is noted that the application complies with the provisions of Q.1b where the number of dwellings proposed is less than 3 and the floor space does not exceed 465 square metres.

Paragraph Q.1d is not relevant as there are no previous Class Q developments on the site/within the subject building.

Q.1(e) and (f) relates to agricultural tenancies. The application does not appear to fail on these points. The application form states that there is no agricultural tenant and the planning statement confirms that no agricultural tenancy has been terminated less than one year before the application was made.

Q.1(g) Although approval has previously been granted for an agricultural building under Part 6 of the GPDO, the development has not been carried out. The Class Q requirements are only concerned with whether the development has been carried out under Part 6 under any of the following circumstances. For these reasons, the application accords with these provisions.

- (i) since 20th March 2013; or
- (ii) 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;
- (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;

Q.1(h). The application complies with this provision as the development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.

Q.1(i) states that the development is not permitted under Class Q if 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 dwelling house; and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

The building appears to be within a generally good condition for its age. The application has been accompanied by a structural report prepared by Cheshire Structural Design Services. The report concludes that:-

- 1) The odd rafter and tile battens may require strengthening or local replacement where the ends have rotted.
- 2) The south east roof should be re-roofed with a modern membrane and insulation to meeting current building regulation.
- 3) Isolated elements of the first-floor joists and boards should be completely removed and replaced within the south east section; any new floor structure should be sufficiently strapped to the external walls to meet current building regulations.
- 4) A replacement concrete ground floor structure, insulated to comply with current building regulations.
- 5) Rotten timber lintels require replacing as required.
- 6) New rainwater goods to the south east section connected in to a suitable underground drainage system.
- 7) The roof within the north east section, although relatively new, will need to be strengthened slightly to allow for conversion for domestic loads associated with insulation and plasterboard etc.

In reading the entire report it is clear to see that the required works are generally those that are reasonably required to allow for the conversion and would generally be able to be undertaken without the need for planning consent. It is noted that much of the work is internal, the re-roofing of a building is allowed within the remits of Class Q.

Many of the existing and original windows and doors openings are to be used. Rooflights will be inserted. The building is a mix of stone and brickwork. The brickwork understood to be later additions but much of it of great age. Conditions can be used to secure appropriate materials where required. It is noted that much of the brick wall on the rear elevation would be removed to form a large, glazed feature window. Whilst this would not normally be within the spirit of a barn conversion via a standard full planning application, it is considered that the works do fall within the Class Q allowances in terms of the 'installation/replacement of windows.'

(j) the site is not on article 2(3) land;

(k) the site is not and does not form part of a site of special scientific interest; a safety hazard area; or a military explosives storage area;

(l) the site is not and does not contain, a scheduled monument; and (m) is not and does not contain any listed building.

Part of the Class Q(a) allowance is for land within the curtilage of the building to change its use from agricultural to domestic. Part X (Interpretation of Part 3) defines 'curtilage' as a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser. The application accords with

this provision as the area of land marked at outdoor space (parking space and amenity space), is smaller in size than the area of land occupied by the part of the building to be converted.

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 of the development,
- (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) of the Schedule to the Use Classes Order,

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/Highways

The property is accessed via a private drive to Greenway Hall Farm off Greenway Hall Road. Greenway Hall Road (Road No. U1030), a single-track road under the control of Stoke on Trent City Council. The location of the proposed barn conversion however falls under Staffordshire County Council. The site is accessed via a lengthy track which passes in front of the application building before terminating at the existing farmhouse. Parking for 2 vehicles is provided for in an area immediately at the side of the building. The new dwelling is shown to have 2 bedrooms and the provision of 2 parking spaces within the site complies with the requirements of the Local Plan Parking Standards. The County Highways officer has no objections to the application and recommends a number of conditions and informative notes.

Noise

The site is within a relatively isolated location, the nearest neighbouring dwelling belonging to the applicant. The entire site is a farmstead. Environmental Health officers have confirmed they have no objections to the application in terms of noise but comment that if the residential building is to be sold to third parties (not involved in the farm) then a sound insulation condition should be placed on the permission. A Class Q application does not tie the building to the existing farmstead and therefore future occupancy cannot be guaranteed. It is therefore reasonable to add a sound insulation condition.

Contamination

Environmental Health officer have no objections in terms of contamination issues. The EHO states that the site has historically been used as an out building / hardstanding and may have some associated contamination (chemicals / asbestos from old buildings) and that a full contamination assessment would appear to onerous,.. EH do recommend contamination related conditions including relating to soft landscaped / garden areas.

Flooding

The application site is not within any area known for flooding.

Location/Siting of the building

This point allows for consideration of whether the location or siting of the building makes it impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwelling houses). The application site can easily be accessed by vehicles due to the existing driveway serving the main farmhouse. It has already been established that there would be no issue in respect of noise or contamination. The building is an attractive rural building which lends itself well to domestic conversion within the realms of the Class Q

allowances. This building appears to be the type of building which the spirit of Class Q seeks to preserve.

Ecology

Staffordshire Wildlife Trust have submitted a holding objection including for reasons of lack of information concerning bats/nesting birds; drainage scheme and biodiversity net gain. Whilst the comments of Staffordshire Wildlife Trust are noted, a recent appeal decision received by this council has given a clear direction on the way ecology matters must be considered if it is deemed there is a lack of information. In the appeal (APP/B3438/W/19/3230017) Heath House Farm Cottage, Ostler's Lane Cheddleton, the Inspector took the view that:-

'Although the Council has put forward ecological concerns as a reason for refusal, ecology is not a determinative matter within the remit of this appeal. Even if I had been minded to allow the appeal, where permission is granted pursuant to a general development order, the safeguarding of protected species and their habitats would be dealt with under other legislation where set procedures apply before commencement of any development.'

It is considered that this stance must be taken here. The applicants agent was made aware of the SWT holding objection and responded by providing the details of the above appeal.

Any other matters

It is noted that Public Footpath Bagnall 23 runs along the access track to Greenway Hall Farm. The development does not propose the diversion or extinction of the right of way.

CONCLUSION / PLANNING BALANCE

That the application complies with the Class Q provisions and approval is recommended.

OFFICER RECOMMENDATION : Approval subject to conditions and informative notes.

Case Officer: Lisa Jackson

Recommendation Date: 23/11/2021

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council