PlanningPortal

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Application to determine if prior approval is required for a proposed: Change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3)

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA

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If printed, please complete using block capitals and black ink.

1. Applicant Name and Address

Title:	Mr & Mrs	First name:	M
Last name:	Illingworth		
Company (optional):			
Unit:		Number:	18
Suffix:			
Building name:			
Address 1:	High Street		
Address 2:			
Address 3:			
Town:	Ipstones		
County:	Staffordshire		
Country:			
Postcode:	ST10 2LU		

2. Agent Name and Address

Title:	Mr	First name:	A
Last name:	Newby		
Company (optional):	PME Planning Services Ltd		
Unit:		Number:	
Suffix:			
Building name:	Townend		
Address 1:	Waterfall		
Address 2:	Waterhouses		
Address 3:			
Town:			
County:	Staffordshire		
Country:			
Postcode:	ST10 3HZ		

3. Site Address Details

Please provide the full postal address of the application site.

Unit:		Number:		Suffix:	
Building name:	The Smithy				
Address 1:	18 High Street				
Address 2:	Ipstones				
Address 3:	Staffordshire				
Address 4:					
Postcode:	ST10 2LU				

4a. Eligibility - The current building and site

Has the building been vacant for a continuous period of at least 3 months immediately prior to the date of this application?

☒ Yes ☐ No

If you have answered No above, the proposal will exceed the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

Has the use of the building, for a continuous period of at least 2 years immediately prior to the date of this application, been any of the following:

- For periods prior to 1 September 2020 -
  - Shops (Use Class A1);
  - Financial and professional services (Use Class A2);
  - Food and drink (Use Class A3)
  - Business (Use Class B1);
  - Medical or health services - Non-residential institutions (Use Class D1(a));
  - Crèche, day nursery or day centre - Non-residential institutions (Use Class D1(b));
  - Indoor and outdoor sports - Assembly and leisure (Use Class D2(e)), other than as an indoor swimming pool or skating rink;
- For periods from 1 September 2020 - Commercial, Business and Service (Use Class E)

☒ Yes ☐ No

If you have answered No above, the proposal will exceed the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

Does the cumulative floor space of the existing building exceed 1,500 square metres?

☐ Yes ☒ No

If you have answered Yes above, the proposal will exceed the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

Is any land covered by, or within the curtilage of, the building:

- in a site of special scientific interest;
- a listed building or land within its curtilage;
- a scheduled monument or land within its curtilage;
- a safety hazard area;
- a military explosives storage area;

Or, is the building:

- in an area of outstanding natural beauty;
- 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;
- in the Broads;
- in a National Park;
- in a World Heritage Site

☐ Yes ☒ No

If you have answered Yes above, the proposal will exceed the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

4b. Eligibility - The proposed change of use

For applications, submitted before 1 August 2022, proposing a change of use to Dwellinghouses (Use Class C3) from Offices (Use Class E(g)(i), previously Use Class B1(a)).
Is/Was there an Article 4 direction in place that has removed these specific permitted development rights?

☐ Yes ☒ No / Not relevant

If you have answered Yes above, the proposal will exceed the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

Will all the proposed new dwellinghouses have gross internal floor areas of at least 37 square metres, and comply with the nationally described space standard?

☒ Yes ☐ No

If you have answered No above, the proposal will exceed the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

Following the changes of use, will every dwellinghouse in the building remain in use within Use Class C3 and for no other purpose, unless that purpose is ancillary to the primary use as a dwellinghouse?

☒ Yes ☐ No

If you have answered No above, the proposal will exceed the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

5. Agricultural Tenants

Is any part of the land covered by or within the curtilage of the building occupied under any agricultural tenancy agreements?

☐ Yes ☒ No

If yes, have all the parties to any agricultural tenancy agreements consented to the change of use?

☐ Yes ☐ No

If occupied under any agricultural tenancy agreements and:
- all parties have consented to the change of use
You will need to include copies of the written confirmations from all relevant parties, stating their consent, when this application is submitted.
- not all parties have consented to the change of use
Your proposals will not be eligible for permitted development based on the limits set by legislation. In this circumstance, you should not continue with this application and seek advice from the Local Planning Authority on the best course of action.

6. Description of Proposed Works, Impacts and Risks

Please describe the proposed development including details of any dwellinghouses and other works proposed:

Change of use from Class E to Residential Class C3.

Please refer to the accompanying statement for details.

6. Description of Proposed Works, Impacts and Risks (continued)

Please provide details on the provision of adequate natural light in all habitable rooms of the dwellinghouses:

An open plan living area will be provided at ground floor level. Here, the building has a window in the west elevation and a window in the north elevation. Furthermore, when occupied, the outer door in the west elevation will be pinned back admitting light through a fully glazed inner door. The ground floor also borrows light from the upper floor, via the stairwell. The open plan living area will therefore have adequate natural light. √

Two bedrooms and a bathroom will be provided at 1st floor level. The main bedroom at the rear of the building has two windows, the smaller bedroom at the front has a single window, the bathroom has a roof light and the stairwell and landing have a pair of roof lights. The habitable rooms at 1st floor level will therefore have adequate natural light. √

What will be the net increase in dwellinghouses: 1

Note that this figure should be the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses in the existing building.

Please provide details of any transport impacts and how these will be mitigated, particularly to ensure safe site access:

The Smithy has a dropped kerb but like many of the residential properties in the immediate vicinity, the site does not have off-road parking. The previous commercial use generated traffic from commercial deliveries, the owners vehicle and from vehicles visiting the studio. Residential use is therefore unlikely to generate additional levels of traffic relative to the previous use. √

With no vehicular access, the question of safe site access (visibility splays, turning space etc.) does not arise. Parking at the kerb, like at neighbouring properties is not inherently unsafe. √

Please provide details of any contamination risks and how these will be mitigated:

The previous use as a commercial art studio and the preceding use as a pottery are not uses which result in contamination.

The historic use as a blacksmiths from days of horse and cart was also unlikely to have resulted in contamination, especially given the fact that the original floor has been replaced with with a capping layer of concrete.

Since there the building has no curtilage, there are no garden areas where contamination could present a risk when cultivating fruit or vegetables.

Therefore, there are no contamination risks in relation to residential use of the building. √

6. Description of Proposed Works, Impacts and Risks (continued)

Please provide details of any flooding risks and how these will be mitigated.
A flood risk assessment should accompany the application where the site:
- is in Flood Zones 2 or 3 (Check online: https://flood-map-for-planning.service.gov.uk/); or
- is in an area with critical drainage problems (Check with the Local Planning Authority, it will have been notified of such areas by the Environment Agency).

The site is not in a flood risk zone. √

Please provide details of the impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses and how these will be mitigated:

It is a residential neighbourhood. There are no commercial premises or sources of industrial noice in the vicinity. √

If the proposed development would result in a building that contains more than one dwellinghouse, and is either 18 metres (or more) in height or contains 7 (or more) storeys.
Please provide details of the fire safety impacts on the intended occupants of the building.
For such proposals, a 'Fire statement' that covers the fire safety design principles, concepts and standards that have been applied to the development should also accompany the application.

N/A: The building is to be used as a single dwelling, is less than 18m high, and has two storeys. It does not therefore invoke the fire risk condition. √

6. Description of Proposed Works, Impacts and Risks (continued)

If the building is located in a conservation area, and the development involves a change of use of the whole or part of the ground floor.
Please provide details of the impacts that the change of use will have on the character or sustainability of the conservation area and how these will be mitigated:

The site lies within Ipstones Conservation Area, adopted 11th September 2007 and the development involves a change of use of the whole of the ground floor. However since it is predominantly residential area and no material changes to the appearance of the building are proposed, the change of use will not have an adverse impact on the character or sustainability of the Conservation Area. √

If the building is located in an area currently in use for general or heavy industry, waste management, storage and distribution, or a mix of such uses.
Please provide details of the impacts on intended occupiers of the development of the introduction of residential use in the area and how these will be mitigated:

The area is predominantly residential. The area is not used for general or heavy industry, waste management or stage and distribution and such uses would be inappropriate. The occupiers of the proposed development will not therefore be adversely affected by such uses. √

If the proposal involves the loss of services provided by a registered nursery, or a health centre.
Please provide details of the impacts on the local provision of the type of services lost and how these will be mitigated:

N/A