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**Information in support of application for prior approval for change of use of a building from a use falling within Class E of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.
The Smithy, High Street, Ipstones**

1. Site & Applicant Details:

Mr and Mrs M Illingworth,
The Smithy,
18 High Street,
Ipstones,
Staffordshire, ST10 2LU

Easting: 402164

Northing: 349980



Fig. 1 The Smithy

2. Introduction

- 2.1 The Smithy is a two storey part rendered stone and tile building attached to the northern elevation of Smithy Cottage, No 18 High Street. A smaller single storey brick, stone and tile outbuilding adjoining the northern elevation of the Smithy serves as a garage for Smithy Cottage.
- 2.2 Smithy Cottage is semi-detached, forming a short terrace with Hathaways Cottage to the East. A rear flat roofed extension at Hathaways Cottage adjoins the rear, eastern gable of the Smithy.
- 2.3 The domestic curtilage of Smithy Cottage lies to the south of the cottage. The Smithy and the garage do not have a curtilage.
- 2.4 Smithy Cottage, The Smithy, and the garage form separate buildings. They are not linked by internal openings or by external openings from a shared curtilage.
- 2.5 As indicated by its name, the building was originally used as a blacksmith's workshop. In the 1970's it was used as a commercial pottery. This use ceased circa 1984. It was last used by the previous owner as a studio. Amongst other things, the artist produced the Ipstones Millennium art work.
- 2.6 This application seeks to determine if prior approval is required for the change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3), under Class MA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) 2021.
- 2.7 The rules relating to Class MA are italicised, with the details provided below.

3. Development History

- 3.1 There is no planning history linked to Smithy Cottage or The Smithy.
- 3.2 The applicants sought pre-planning advice to explore potential uses of the building. The officer provided general advice with reference to the Staffordshire Moorlands Local Plan including Policy E3, SS8 and DC2.
- 3.3 Advice was given before the introduction of Class MA permitted development and did not therefore consider whether change of use is permitted under the 2021 amendment order.

4. Eligibility

4.1 Development is not permitted by Class MA -

- a). *unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;*

The building has been vacant for some time before the purchase by the current owners in March 2021 - period of at least 14 months.

Vacant for the required 3 months? ✓

- b). *unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;*

The use classes order was amended in 1st September 2021. Existing use classes A1, A2, A3, B1, D1 and D2 were amalgamated into Class E (commercial, business and service).

The previous uses as a pottery, followed by a commercial art studio fell within use Class B1, now Class E. In pre-application advice officers have confirmed that the building is a former workshop.

The last use of the building, as an art studio ran from circa 1984 to March 2021.

Qualifying use for the required 2 years? ✓

- (c) *if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;*

The total floor area measures 72.5 sq. m.

Cumulative floor space less than 1,500 sq. m? ✓

- (d) *if land covered by, or within the curtilage of, the building —*
(i) *is or forms part of a site of special scientific interest;*
(ii) *is or forms part of a listed building or land within its curtilage;*
(iii) *is or forms part of a scheduled monument or land within its curtilage;*
(iv) *is or forms part of a safety hazard area; or*
(v) *is or forms part of a military explosives storage area;*

None of the restrictions in paragraph (d) apply. ✓

- (e) *if the building is within —*
(i) *an area of outstanding natural beauty;*
(ii) *an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 ;*
(iii) *the Broads;*
(iv) *a National Park; or*
(v) *a World Heritage Site;*

None of the restrictions in paragraph (e) apply. ✓

- (f) *if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or*

The site is not occupied under an agricultural tenancy. ✓

- (g) *before 1 August 2022, if—*

- (i) *the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and*
- (ii) *the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.*

The restrictions in paragraph (g) do not apply*. ✓

* Note: Class O related to permitted change of use from offices to residential. Offices were previously Class B1, now amalgamated into Class E, The paragraph does not apply in this instance because the building is not an office and no article 4 directives are applicable.

5. Conditions

5.1 Development under Class MA is permitted subject to the following conditions.

- (2) *Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—*

- (a) *transport impacts of the development, 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. ✓

- (b) *contamination risks in relation to the building;*

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. ✓

(c) *flooding risks in relation to the building;*

The site is not in a flood risk zone. ✓

(d) *impacts of noise from commercial premises on the intended occupiers of the development;*

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

(e) *where—*

- (i) *the building is located in a conservation area, and*
- (ii) *the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;*

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 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. ✓

(f) *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. ✓

(g) *the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;*

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. ✓

and

- (h) *where the development involves the loss of services provided by—*
(i) *a registered nursery, or*
ii) *a health centre maintained under section 2 or 3 of the National Health Service Act 2006,*
the impact on the local provision of the type of services lost.

The site is not used as registered nursery or health centre. ✓

and

- (i) *where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building*

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. ✓

- (3) *An application for prior approval for development under Class MA may not be made before 1 August 2021.*

This application is made after the aforementioned date. ✓

- (4) *The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”.*

Paragraph W relates to the procedure for applications for prior approval under Part 3, amended to include Class MA. The wording of sub-paragraph 5 relating to highways impacts is further amended to relate particularly to safe site access. This application is made in accordance with the provisions of Paragraph W. ✓

- (5) *Development must be completed within a period of 3 years starting with the prior approval date.*

Condition acknowledged. ✓

- (6) *Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.”*

Condition acknowledged. ✓

6. Other Matters

Internal Works

- 6.1 Internal works, such as insulation, dry-lining, internal walls, doors, the provision of fixtures and fittings do not amount to development: Section 55 (2) of the Town and Country Planning Act 1990:

The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

- (a) *the carrying out for the maintenance, improvement or other alteration of any building of works which—*
- (i) *affect only the interior of the building, or*
 - (ii) *do not materially affect the external appearance of the building,*

Use of Conditions

- 6.2 Schedule 2, Part 3, Paragraph W13 of the GPDO states that

“The planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval”.

- 6.3 The Authority may therefore impose conditions where such conditions reasonably relate to the prior notification for change of use.

7. Conclusion

- 7.1 The application provides an opportunity to bring a characterful building within the conservation area back into beneficial use.
- 7.2 The application is considered to meet the requirements of Class MA, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) 2021. We therefore respectfully ask that the application for determination be approved.

A W Newby, B.Sc (Eng). DMS.
PME Planning Services
Tuesday, 10 May 2022