BIG SHAFFALONG FARM

JOHN POINTON & SONS

PLANNING STATEMENT

DATE: JUNE 2022
REFERENCE: 1302/J210058
PREPARED BY: LIZA WOODRAY *MSC*
REVIEWED BY: BEN KETTLE *BSC (HONS) MSC MCD MRTPI*

Wharfe Rural Planning Ltd
Sapling Home Farm, Ullard Hall Lane, Lower Peover, Knutsford, Cheshire, WA16 9PJ
T: 01565 723 795 | E: info@wharferuralplanning.co.uk | W: www.wharferuralplanning.co.uk

1 INTRODUCTION 1

2 CLASS Q 3

3 LEGAL FRAMEWORK 5

4 CHANGE OF USE 8

5 BUILDING OPERATIONS 15

6 PRIOR APPROVAL 20

7 STAFFORDSHIRE MOORLAND COMPARABLE DECISIONS 25

8 CONCLUSION 30

Figure 1: Site location 1
Figure 2: Application context 2
Figure 3: Application buildings in 2006 9
Figure 4: Application buildings in 2017 10
Figure 5: Inside application building 11
Figure 6: Inside application building 12
Figure 7: Flood Risk Map 23
Figure 8: Application building (image from Council's online documents) 25
Figure 9: Application building (Google Streetview) 27

1 INTRODUCTION

1.1 This planning statement has been prepared on behalf of John Pointon & Sons. It accompanies an application under Schedule 2, Part 3, Class Q of the General Permitted Development Order 2015 (as amended) for prior approval of the change of use of an agricultural building to five dwellinghouses (Use Class C3) and associated operational development. The application address is Big Shaffalong Farm, Shaffalong Lane, Cheddleton ST13 7LE.

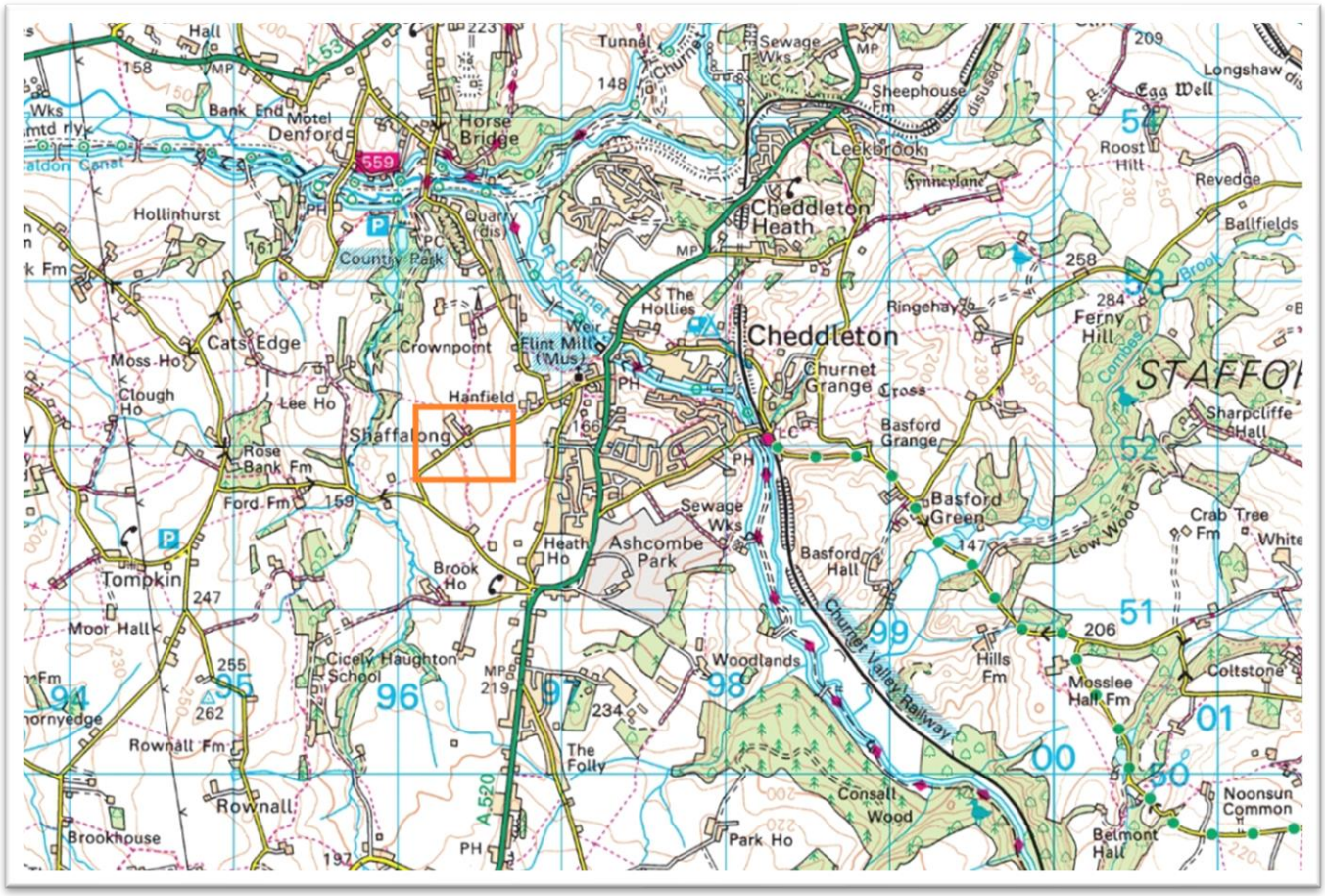

Figure 1: Site location

1.2 The site comprises a large agricultural building that once formed part of the wider Big Shaffalong Farm. It sits to the north of Shaffalong Lane. The access to the site also forms a public footpath (CP12/1987).

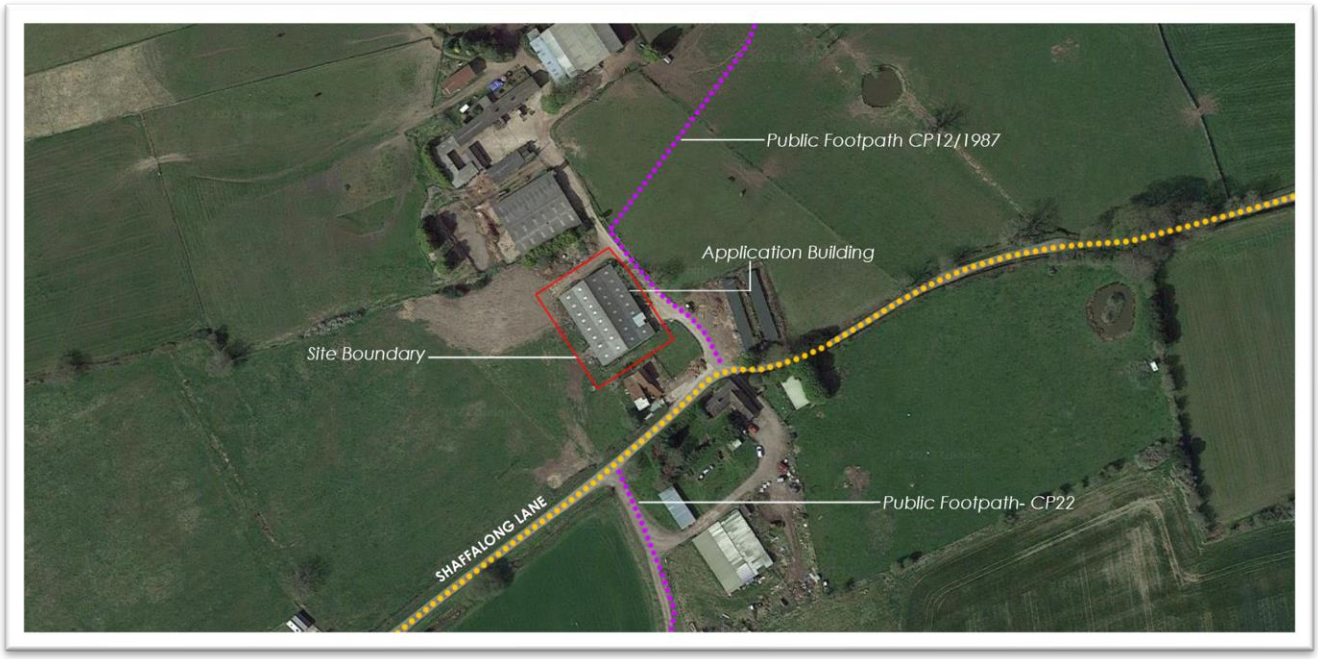

Figure 2: Application context

1.3 Class Q (formerly Class MB) was introduced in 2014 following the publication of the 2012 NPPF. It formed part of a package of measures to significantly boost the supply of housing by making it simpler and quicker to secure permission for the change of use of existing buildings for residential purposes.

1.4 The guidance in the PPG has evolved alongside the legislation to recognise the need for internal structural works and specifically permits them. The revised PPG is considered to be less onerous than previous versions to enable Councils to take a less restrictive approach to such proposals.

1.5 This statement provides an appraisal of the relevant criteria of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the Order) and associated Planning Practice Guidance (PPG).

2 CLASS Q

2.1 There is a recognition that planning permission for new homes can be difficult to obtain in many rural areas; despite the demand for homes for families who want to live and work in their local communities.

2.2 In 2012, the Government issued a new set of national planning policies within the National Planning Policy Framework. One of the objectives of the Framework was to significantly boost the supply of new homes. Specifically, Councils were now required to identify, and update (annually) a supply of specific deliverable housing sites, sufficient to provide five years' worth of housing.

To further aid and increase the supply of homes, the Framework was closely followed by a range of changes to permitted development legislation **which sought to make it easier for landowners to make best use of their property**. In particular, **to allow the change of use of buildings that would support the provision desperately needed new homes**. These changes were intended to reduce the pressure for new green field development by bringing brownfield land and empty and **under-used buildings back into productive use**.

2.3 Class Q (previously Class MB) allowed for certain agricultural buildings to be converted into houses without requiring planning permission under permitted development rights. This was a significant change and one which was promoted and heralded by the Government. Indeed, in November 2014, Brandon Lewis, the then Minister of State for Housing and Planning issued a Written

*"We have **reformed permitted development rights to cut through complexity**, free up the planning system and **encourage the conversion of existing buildings**. The changes help support town centres, **the rural economy** and **provide much-needed homes**"*

Ministerial Statement that stated:

2.4 In another Written Ministerial Statement in March 2015, Lord Ahmed, the Parliamentary Under-Secretary of State for Communities and Local Government stated:

*"New **permitted development rights** are **encouraging better use of buildings** and supporting town centres, **the rural economy** and **providing much-needed homes**. These include providing new homes in offices, shops and **agricultural buildings**"*

2.5 Despite the concept of a conversion having clear encouragement and permission within Class Q, applications under this legislation have become a thorny and overly technical assessment, despite changes to the legislation which sought to provide clarification on a number of matters such as internal structural works.

2.6 If the Council are to maintain their five-year housing land supply, the provision of new housing must continue. Creating new homes from agricultural buildings is actively encouraged and permitted under Class Q legislation and will count towards the Council's housing supply. An overly rigorous and technical approach is at odds with both the aims of the legislation and the accompanying guidance. It stifles one of the main sources of new housing in rural areas.

3 LEGAL FRAMEWORK

STATUTORY LAW

3.1 Section 58(1)(a) of the Town and Country Planning Act 1990 (as amended) (the Act) states that planning permission may be granted by a development order.

3.2 Section 55 of the Act qualifies what development is, and 55(2) states:

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

3.3 Part 3 Class Q of the Order sets out permitted development as:

Q. Development consisting of –

*a) **a change of use** of a building and any land within its curtilage from a use as an 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.*

3.4 Article 2 of the Order defines a building as:

"building"—

(a) includes any structure or erection and, except in Class F of Part 2, Class B of Part 11, Classes A to I of Part 14, Classes A, B and C of Part 16 and Class T of Part 19, of Schedule 2, includes any part of a building; and

(b) does not include plant or machinery and, in Schedule 2, except in Class F of Part 2 and Class C of Part 11, does not include any gate, fence, wall or other means of enclosure;

3.5 Schedule 2, Part 3, paragraph X of the Order defines an agricultural building as:

"agricultural building" means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and "agricultural use" refers to such uses;

3.6 Paragraph X also defines the curtilage of the building for Class Q development as being:

"curtilage" means, for the purposes of Class Q, R or S only—

(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;

3.7 Schedule 2, Part 3, paragraph W of the Order sets out the provisions for prior approval.

JUDICIAL DECISIONS

3.8 In *Hibbitt and another v Secretary of State for Communities and Local Government and another* [2016] EWHC 2853 (Admin) Mr Justice Green considered a judicial review to quash a planning Inspector's decision to dismiss an appeal against the refusal of a planning authority (Rushcliffe Borough Council) to grant prior approval under Class Q.

3.9 The applicants were seeking prior approval on a steel-framed barn, largely open on three sides, measuring 30.5m x 7.96m (243sqm). The essence of the dispute concerns whether the proposed "*conversion*" amounted to a "*rebuild*". Mr Justice Green emphasised that there is no definition in the legislation of conversion and that it is a matter of planning judgement with no clear line that separates it from '*rebuild*'. Green J supported the point made by the Inspector that '*the works went a long way beyond what could sensibly or reasonably be described as a conversion*'.

3.10 The judgment in *Hibbitt* is considered to demonstrate that the proposal must be a conversion and cannot amount to the construction of a new building. ***Hibbitt* was considered under previous versions of the Order and PPG.** The June 2018 version of the PPG provides clarity on the matters of consideration and confirms that internal works are not development, as per section 55(2) of the Act.

3.11 It is considered that the *Hibbitt* judgement should not be over-interpreted. It is considered that it did no more than reiterate the general principle that permission to convert does not authorise operations that amount to rebuilding, established in *Williams v SSCLG* [2013] EWCA Civ 958.

NATIONAL PLANNING PRACTICE GUIDANCE

3.12 The National Planning Practice Guidance includes paragraph 105 relating to building works and paragraphs 106 – 109 relating to the prior approval process; the guidance is detailed alongside the relevant legislation in the following sections.

4 CHANGE OF USE

4.1 The Order was amended in 2018 by SI 2018 No.343, causing a change to the wording of Class Q. It now includes two options, either the change of use of the building (only) or the change of use together with the building operations reasonably necessary to convert it. The proposed development falls under the latter and, therefore, falls within Schedule 2 Part 3 Class Q. b of the Order.

AGRICULTURAL USE

4.2 Paragraph Q.1. of the Order states that development is not permitted by Class Q if:

> *(a) The site was not used solely for an agricultural use as part of an established agricultural unit –*
>
> *(i) On 20th March 2013, or*
>
> *(ii) In the case of a building which was in use before that date but was not in use on the 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.*

4.3 n the 20th March 2013, the building was used for agriculture as part of the established agricultural unit at Big Shaffalong Farm. Further details are set out in the accompanying Statutory Declaration from Mr John Jackson, the owner of the farm at that time.

4.4 In addition, there Is nothing in historic aerial imagery to show the building was in anything other than agricultural use in both 2006 and 2017.

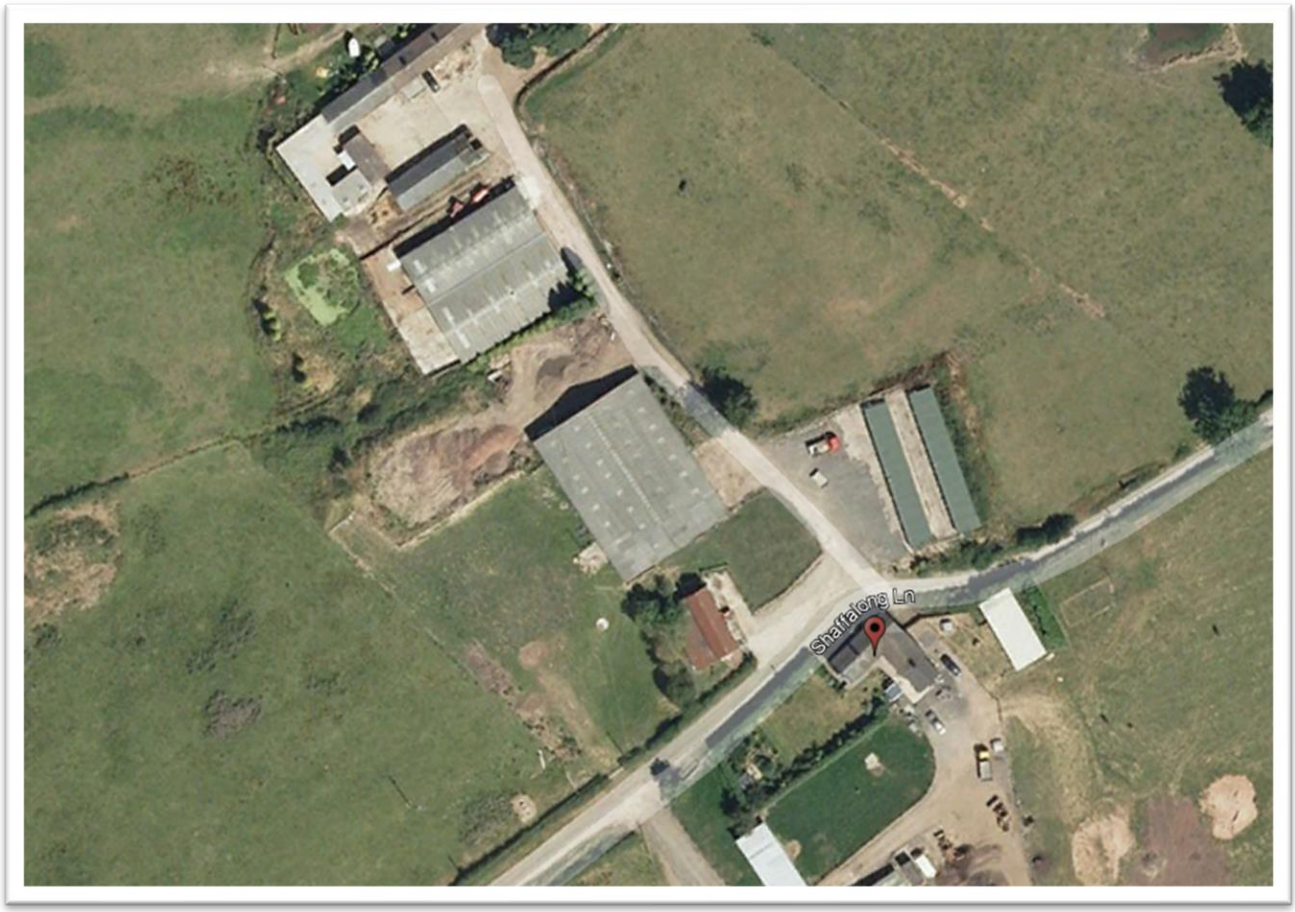

Figure 3: Application buildings in 2006



Figure 4: Application buildings in 2017

4.5 During these times the building was used to house livestock and for general agricultural storage. Evidence of the former use can be seen in the photographs below and were taken during the preparation of this application in 2021. The use of the building has not changed since.



Figure 5: Inside application building

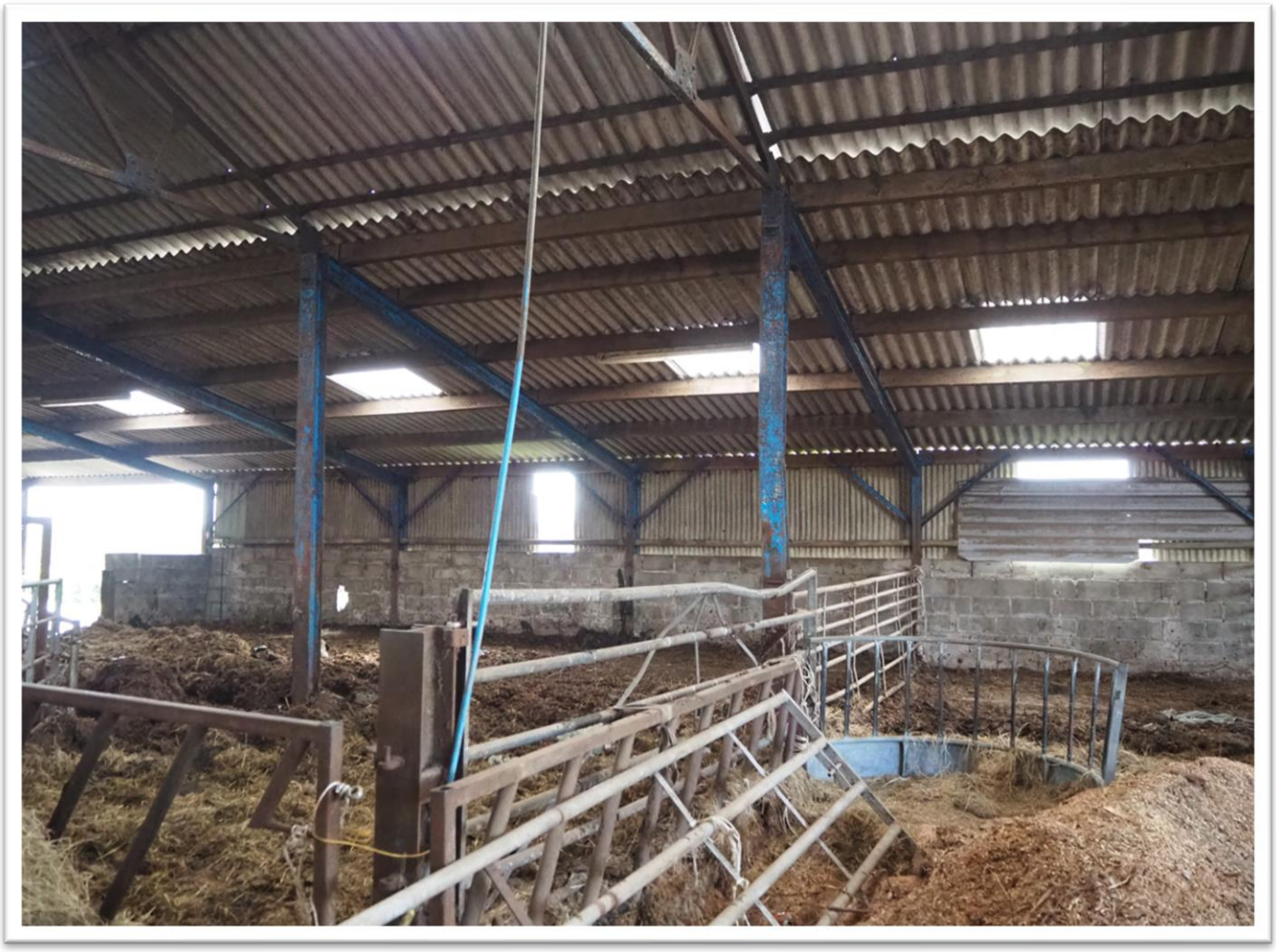

Figure 6: Inside application building

FLOOR SPACE AND DWELLING NUMBERS

4.6 Paragraph Q.1. of the Order states that development is not permitted by Class Q if:

(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 square 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;

4.7 One of the proposed dwellings would fall within Q.1 (b) as a larger dwellinghouse, with the gross floor area not exceeding 465 square metres. The remaining four fall within Q.1(c) as smaller dwellinghouses with the gross floor area of each one not exceeding 100 square metres. The cumulative number of dwellinghouses within the established agricultural unit would not exceed five. The gross external area of the proposed development measures 838 square metres and, therefore, within the floorspace constraints detailed in the Order.

AGRICULTURAL TENANCY

4.8 Paragraph Q.1. of the Order states that development is not permitted by Class Q if:

(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 1 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.

4.9 The building and land included in its curtilage (the site) are owner-occupied and not subject to any agricultural tenancy.

PART 6 PERMITTED DEVELOPMENT

4.10 Paragraph Q.1. of the Order states that development is not permitted by Class Q if:

(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;

(i) since 20th March 2013, or

(ii) where development under Class Q begins after 20th March 2013, during the period which is 10 years before the date development under Class Q begins;

4.11 No works have been undertaken on the agricultural unit under Class A or B of Part 6 of Schedule 2 of the Order.

EXTERNAL DIMENSIONS

4.12 Paragraph Q.1. of the Order states that development is not permitted by Class Q if:

(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;

4.13 The proposed development will not result in any extension beyond the external dimensions of the existing building. No development has previously been permitted or undertaken under Class Q of the Order.

CURTILAGE

4.14 The proposed curtilage associated with the building is 837 square metres and therefore occupies an area no larger than the land area occupied by the agricultural building, which is 838 square metres in area.

5 BUILDING OPERATIONS

5.1 This part of the statement will assess the building operations permitted by paragraph (b) of Class Q.

OPERATIONS ALLOWED

5.2 Paragraph Q.1. of the Order states the development is not permitted by Class Q if:

> *(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);*

5.3 Neither paragraph Q(b) or paragraph Q.1(i) distinguishes in any way between structural and non-structural works. Moreover, there is no longer any reference in the PPG prohibiting the construction of new structural elements for the building. Neither is it any longer asserted that it is only where the existing building is structurally strong enough to take the loading associated with the external works that those building operations will come within Class Q development.

5.4 The guidance from the National Government is set out via the PPG in paragraph 105. This guidance was updated in June 2018. The guidance states:

> ***What works are permitted under the Class Q permitted development right for change of use from an agricultural building to residential use?***
>
> *The right allows either the change of use (a), or the change of use together with reasonably necessary building operations (b). 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 and Country Planning (General Permitted Development) (England) Order 2015. 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, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition 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.***

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).

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: 105 Reference ID: 13-105-20180615

BUILDING WORKS PROPOSED

5.5 The table below details the work required to convert the building, where that aspect of the building operation is permitted within the Order or whether it is not development.

Table 1: Schedule of work to convert the building

Conversion work proposed	Provision within Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) / No development
Retain the existing blockwork and timber and cement fibre clad walls of the buildings and repair where necessary	N/A no development
Retain the existing external walls to four sides of the building, and repair where necessary	N/A no development
Infill the open aspects of the barn with new windows/doors and cladding	Allowed by Q.1 (i)(i) (aa) of the Order as a reasonably necessary operation for the building to function as a dwellinghouse
Insert doors and windows into the existing walls	Allowed by Q.1(i)(i) (aa) of the Order as a reasonably necessary operation for the building to function as a dwellinghouse
Retain and repair (where necessary) the existing roof covering	N/A no development
Provide internal insulation to the building	N/A. Internal work and therefore not development under Section 55 (2)(a)(i) of the Planning Act 1990 (as amended), and allowed by NPPG para 105.
Ground bearing, internal, insulated slab	N/A. Internal work and therefore not development under Section 55 (2)(a)(i) of the Planning Act 1990 (as amended), and allowed by NPPG para 105.
Internal load-bearing walls	N/A. Internal work and therefore not development under Section 55 (2)(a)(i) of the Planning Act 1990 (as amended), and allowed by NPPG para 105.

5.6 The proposed drawings identify internal walls that will provide load-bearing benefits to the rafters of the barn. These load-bearing internal walls are not development, require no external changes and are, therefore, permitted by the Order.

5.7 The existing building has a concrete floor and existing foundations to the blockwork walls, which the structural engineer, Mark Edwards, considers to be adequate as there are no signs of undue settlement or subsidence. If additional support is required a new concrete ground-bearing floor slab can be provided and will act as an internal load-bearing raft slab. This can also provide

support for any new internal load-bearing walls. The PPG confirms that internal works are not generally developed, and for the building to function as a dwelling, it may be appropriate to undertake internal structural works, including allowing for a floor.

5.8 It is considered that the proposed structural works are confined to the internal elements of the building, in accordance with the allowances of the Order, and all building works requiring permission are permitted under Class Q.1 of the Order.

5.9 Externally, the cladding on a portal frame building such as this is entirely functional rather than structural and provides weatherproofing. The building's cladding can be retained and supplemented to continue to provide the necessary weatherproofing element to the building. The Order allows building operations that are reasonably necessary for the building to function as a dwellinghouse. Therefore, the repair/repositioning of cladding sheets is considered to fall within the relevant legislation and accompanying guidance in the PPG.

5.10 The remaining works are all restricted to the interior of the building and, therefore not classed as development in accordance with Section 55 (2)(a)(i) of the Town and Country Planning Act 1990 (as amended). Furthermore, Paragraph 105 of the updated planning practice guidance confirms that internal works are not generally development and acknowledges the need for internal structural works.

REASONABLY NECESSARY

5.11 There is no statutory definition of what is reasonably necessary; however, it is commonly understood to be the works that a reasonable person would undertake to convert the building. This view is supported by Martin Goodall, a specialist planning lawyer with more than 30 years of experience in planning law, and particularly permitted development. Martin Goodall is the author of *'a practical guide to permitted changes of use'* which is in its fourth edition.

5.12 The proposed building operations are limited to those reasonably necessary to make the building wind and watertight, warm and habitable to an acceptable domestic standard that complies with current building regulations for a conversion. These could not be described as being beyond what is reasonably necessary for the building to function as a dwellinghouse.

A CONVERSION

5.13 The summary of the *Hibbitt* and *Williams* cases in Section 2 highlights that there is no definition of conversion and that it is a matter of planning judgement. The assessment must be made within the boundaries of Class Q, the definition of development within the Town and Country

Planning Act and the up-to-date content of the PPG. The assessment should consider all relevant evidence on the existing state of the building and the extent of the works proposed in relation to the retained parts of the building. This should lead to a conclusion of whether the works are a conversion or a rebuild.

5.14 A structural report on the building prepared by Mark Edwards Associates is submitted with the application. The report details the current condition of the building and considers that it is:

> *capable of being converted to its proposed use without extensive demolition or replacement of the primary structure and using building works that are reasonably necessary for it to function as a dwellinghouse'.*

5.15 Furthermore, the buildings have four complete walls, one with existing openings, and roofs that would be retained as part of the proposal without extensive replacement. In addition, the works authorised by Class Q, as summarised in table 1 above, are relatively limited in relation to the retained part of the existing building. The remainder of the works are excluded from the definition of development and would be common to any type of building conversion for use as a dwelling. Moreover, all the work is considered to comply with the latest planning guidance. For these reasons, it is concluded that the proposal could not be reasonably or sensibly described as a rebuild; it is, therefore, a conversion in the true sense of the word.

6 PRIOR APPROVAL

6.1 Paragraph 28 of the planning practice guidance makes clear that the prior approval process is intended to be light-touch and should not seek to replicate the planning application system.

Is a prior approval application like a planning application?

The statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, as prior approval is a light-touch process which applies where the principle of the development has already been established. Where no specific procedure is provided in the General Permitted Development Order, local planning authorities have discretion as to what processes they put in place. It is important that a local planning authority does not impose unnecessarily onerous requirements on developers, and does not seek to replicate the planning application system.

Paragraph: 028 Reference ID: 13-028-20140306

Revision date: 06 03 2014

6.2 Condition 1 of Class Q development requires a prior approval application as set out below:

***Q.2**—(1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, 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 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 (dwellinghouses) of the Schedule to the Use Classes Order, and

(f) the design or external appearance of the building, and

(g) the provision of adequate natural light in all habitable rooms of the dwellinghouses

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

6.3 The prior approval process is set out in paragraph W of Part 3 of the Order and expanded on in the National Planning Practice Guidance. Paragraph 107 Reference ID: 13-107-20150305 Revision Date 5 March 2015 highlights that reference to the National Planning Policy Framework is limited to the matters for prior approval:

> *This procedure [Prior Approval] was amended in April 2014 to make clear that the local planning authority must only consider the National Planning Policy Framework* ***to the extent that it is relevant to the matter on which prior approval is sought, (authors emphasis)*** *for example, transport, highways, noise etc.*

6.4 The PPG emphasises that no reference should be made in the determination of the application for prior approval to the locational sustainability of the site. Paragraph 108 Reference ID: 13-108-20150305 Revision Date 5 March 2015 states:

> *The permitted development right* ***does not apply a test in relation to sustainability of location (authors emphasis).*** *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.*

6.5 Paragraph: 109 Reference ID: 13-109-20150305 Revision Date 5 March 2015 provides further explanation on whether the location or siting of the building makes it otherwise impractical or undesirable:

> *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. (authors emphasis)***

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 it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval …. (authors emphasis)

TRANSPORT AND HIGHWAYS IMPACTS OF THE DEVELOPMENT

6.6 The site is accessed via an existing entrance to the highway. The addition of five dwellings in place of the agricultural activities is considered to have a negligible effect on the character and number of vehicles accessing the network.

6.7 The agricultural use of the site has allowed the unrestricted use of this entrance for many years by large agricultural vehicles without any known impacts to highway safety. The site entrance has good visibility in both directions and is considered adequate to meet the needs of the dwellings.

NOISE IMPACTS OF THE DEVELOPMENT

6.8 The occupation of the building for residential purposes is not considered to present a risk of adverse impacts to the surrounding area from an increase in noise levels. Given the tranquil rural surroundings, it is considered the scheme can achieve the recommended noise levels internally and externally for residential use.

CONTAMINATION RISKS ON THE SITE

6.9 There are no apparent sources of contamination that could give rise to potential harm to the occupants of the building when used as a dwellinghouse.

FLOODING RISKS ON THE SITE

6.10 The application site lies outside flood risk zone 2 & 3, as shown in figure 7 below taken from the Environment Agency website. The site is not within an area of Flood Zone 1 which has been notified to the Local Authority by the environment Agency as having critical drainage problems. The proposal is therefore not considered to be at risk of flooding on the site.

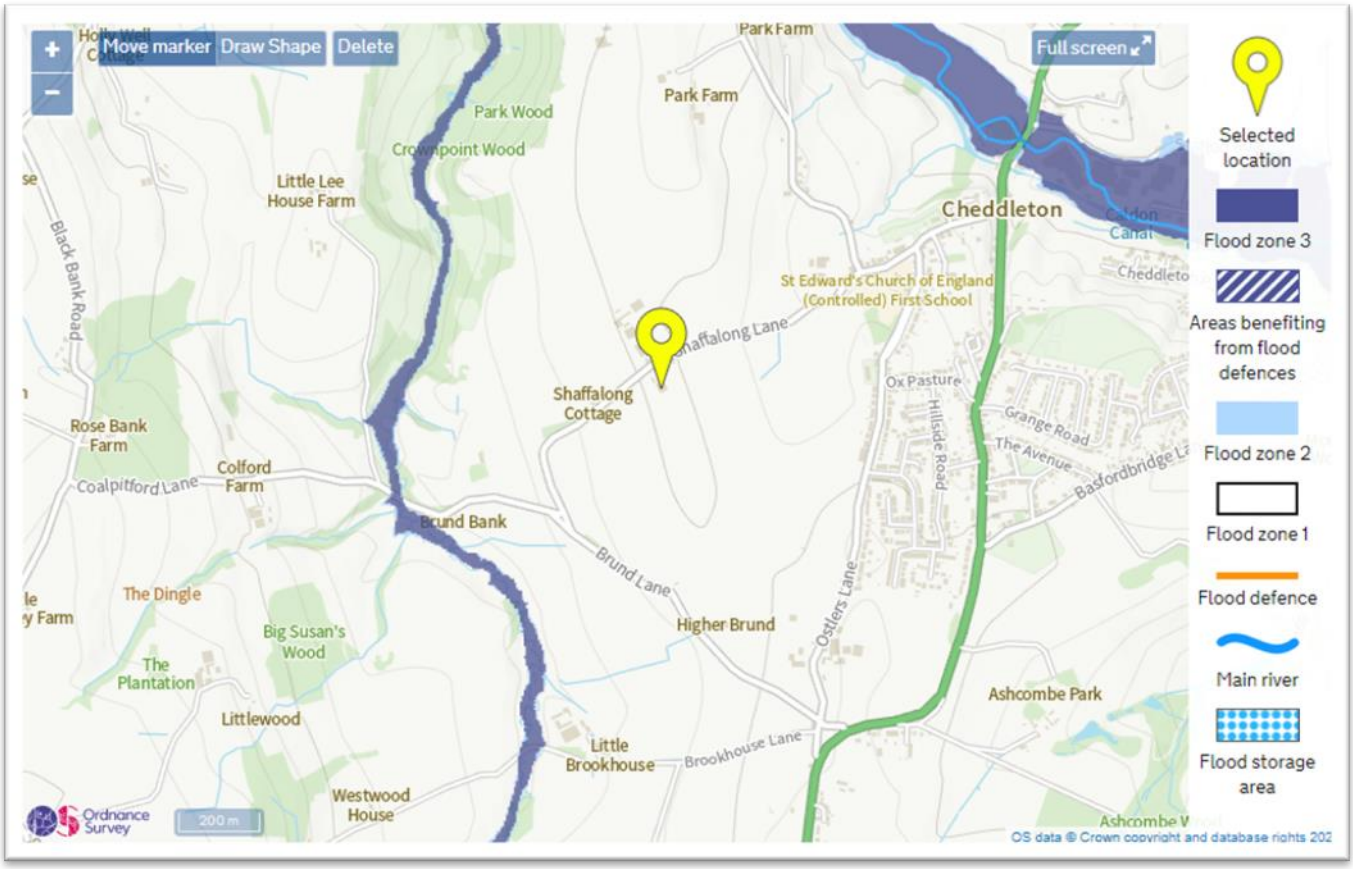

Figure 7: Flood Risk Map

LOCATION OR SITING OF THE BUILDING

6.11 The building is located off Shaffalong Lane and forms part of a redundant farmstead. It is commonplace and desirable to live in rural locations and it is not impractical or undesirable to place homes on redundant farmsteads.

DESIGN

6.12 The proposed design embraces the character and appearance of the existing buildings to retain the context of their setting and avoids an overly domestic appearance. The proposed design is not considered to cause material harm to the objectives of the NPPF in regard to design.

ADEQUATE LIGHT IN HABITABLE ROOMS

6.13 Each of the habitable rooms within the proposed building is served by at least one window to provide natural light.

ECOLOGY

6.14 Neither the Order or guidance specifically requires an assessment of buildings for ecological potential. However, an extended phase 1 habitat survey and daytime bat survey have been undertaken at the property. The surveys found no evidence of protected species using the building; however, due to the nature of the building, it was recommended a further bat survey was undertaken. This has been carried out, and the report submitted.

7 STAFFORDSHIRE MOORLAND COMPARABLE DECISIONS

7.1 The following approvals were granted for the conversion of modern agricultural sheds by Staffordshire Moorlands Council under Class Q legislation.

DET/2019/0030 COWSHED CHATSWORTH FARM, LASK EDGE ROAD, LASK EDGE, LEEK, STAFFORDSHIRE, ST13 8QJ

7.2 The approval granted permission for the conversion of an existing building into a dwelling house along with the necessary building operations.



Figure 8: Application building (image from Council's online documents)

7.3 The delegated report states:

> *In this case, only internal works are proposed behind the timber cladding, comprising new blockwork walls and insulation materials. This* ***does not amount to structural re-building*** *works and the Council's Building Regulations consultant considers that the proposed conversion works with insulation works would potentially gain the required Building Regulations Approval. The Council is therefore satisfied that the proposal would meet Class Q(1)b and can practically be converted into a habitable dwelling via conversion with the allowed Q(1)b works and not involve any significant other external works or any re-building.*

DET/2017/0030 AT HAYES GATE FARM STAR BANK OAKAMOOR

7.4 This application to convert a modern agricultural shed to a dwelling was refused by the Council in 2018 for two reasons; that the building wasn't capable of functioning as a residential conversion and secondly, they considered the resultant building would have an adverse and harmful visual impact upon its rural surroundings.



Figure 9: Application building (Google Streetview)

7.5 A subsequent appeal allowed the development. In relation to the structural integrity of the building, the Inspector noted that:

> *It is the case here, however, that details have been submitted with respect to the strength of the existing structure, and its suitability for conversion to residential use. The Council casts doubt on this information, and speculates that the additional steel supports demonstrate a lack of structural integrity, but it does not offer substantive evidence to counter the conclusions of a qualified structural engineer. The fact that some additional supports have been added internally to the building would not, in my view, amount to development within the meaning of Sections 55(1) of the Act, having regard to Section 55(2)(a) which explains that certain operations shall not be taken to involve development, including (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. Therefore, on my reading of the evidence, and observations on site, I find that the building is structurally capable of conversion for the purposes of Class Q.

7.6 In response to the Council's assertions that the application did not demonstrate that the building was capable of functioning as a residential conversion, the Inspector stated:

The building is not weather tight at present, and would require additional elements to make it so, principally the addition of Yorkshire boarding to the north-eastern elevation. The plans submitted show the use of the existing blockwork and section of brickwork to the south-eastern elevation. The resulting appearance, therefore, would be not dissimilar to the existing building, which features timber panelling above the blockwork to the south-western side. Where blockwork is incomplete, as on the south-western side, the existing opening would be utilised as part of the proposed fenestration. On their face, none of the proposed works would fall outside of those building operations permitted under Paragraph Q.1, and would be reasonably necessary for the building to function as a dwelling.

7.7 Bringing matters together on the first reason for refusal, the Inspector stated:

I consider that the proposed building operations would fall within the definition set out in Class Q.1 (i) and that they would not go beyond what would be reasonably necessary for the appeal building to function as a dwellinghouse.

7.8 In terms of the visual impact of the conversion, the Inspector concluded that

The re-use of the existing block work, and Yorkshire boarding above on the walls, would respect the existing form of the building and its rural setting, and would not appear overly domestic, or out of character with the surrounding agricultural buildings. The conservation rooflights proposed in the roof would not appear excessive or incongruous given their small size relative to the expanse of the roof. Overall, the building would have a simple, ordered appearance in sympathetic materials, which would not, to my mind, result in an unduly prominent or discordant building, but rather one which would maintain much of its existing agricultural character.

CONCLUSION ON COMPARABLE DECISIONS

7.9 It is clear that modern agricultural sheds are capable of being converted within limits set out in Class Q of the legislation. The Council and an Inspector both agree that the scope of works necessary to convert such buildings can constitute Permitted Development. The building at Big Shaffalong Farm is not dissimilar in its form and construction that the comparables noted.

8 CONCLUSION

8.1 In order to protect the rural character of the countryside, the general approach to new housing in such areas is understandably restrictive. However, Class Q was introduced by the Government as a means of increasing housing supply in rural areas by re-using existing structures, thereby reducing the need to develop greenfield sites.

8.2 The applicants are looking for an alternative use for the application building and are therefore seeking prior approval from the Local Planning Authority under Class Q permitted development for change of use from agriculture to dwellinghouses.

8.3 This statement analyses the proposal against the criteria of the Order, the relevant, up-to-date guidance, and judicial decisions. Of particular importance is the updated guidance in the PPG paragraph 105, which no longer discusses the structural capability of the building. Conversely, it supports internal structural alterations and identifies that internal works are not development. The submission includes a report from a structural engineer which, when taken with the assessment in this planning statement, are considered to conclude that the proposal meets all the relevant tests enabling planning permission to accrue under the Order. The proposal is considered to represent a conversion in the true sense of the word.

8.4 Two comparable decisions have been provided for the conversion of similar agricultural buildings that were found to be capable of conversion, and the extent of works that were considered to fall within the scope of being reasonably necessary.

8.5 Each of the matters for prior approval is considered within this statement. It is considered that there is no unacceptable or avoidable harm to any of these interests. It is therefore respectfully suggested that prior approval is not required and planning permission should accrue under the Order.