



Appeal Decisions

Site visit made on 30 August 2022

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th September 2022.

Appeal A Ref: APP/B3438/W/21/3289709

Willowshaw Farm, Cloudside, Congleton CW12 3QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1), Schedule 2, Part 3, Class Q.(b) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr S Moss against the decision of Staffordshire Moorlands District Council.
- The application Ref DET/2021/0019, dated 26 March 2021, was refused by notice dated 23 June 2021.
- The development proposed was originally described as 'Conversion of an agricultural building with associated building operations to form 4 dwellings.'

Appeal B Ref: APP/B3438/W/22/3294914

Willowshaw Farm, Cloudside, Congleton CW12 3QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1), Schedule 2, Part 3, Class Q.(b) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr S Moss against the decision of Staffordshire Moorlands District Council.
- The application Ref DET/2021/0041, dated 28 October 2021, was refused by notice dated 29 December 2021.
- The development proposed was originally described as 'Change of use, including operational works, from agricultural building into 2 dwellings.'

Decisions

Appeal A Ref: APP/B3438/W/21/3289709

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 'GPDO') for the conversion of an agricultural building with associated building operations to form 4 dwellings at Willowshaw Farm, Cloudside, Congleton CW12 3QQ in accordance with the terms of the application Ref DET/2021/0019, dated 26 March 2021, and the details and plans submitted with it, including plans 2020-2545-06C; 2020-2545-09B; 2020-2545-14; Dry Stone Wall Detail, and Fence-Post and Rail. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision, in accordance with Paragraph Q.2(3) of the GPDO, and subject to the conditions in the schedule below.

Appeal B Ref: APP/B3438/W/22/3294914

2. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 'GPDO') for the change of use, including building operations, from agricultural building into 2 dwellings at Willowshaw Farm, Cloudside, Congleton CW12 3QQ in accordance with the terms of the application Ref DET/2021/0041, dated 28 October 2021, and the details and plans submitted with it, including plans 2020-2545-17; 2020-2545-18A; 2020-2545-19; 2020-2545-20; Dry Stone Wall Detail, and Fence-Post and Rail. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision, in accordance with Paragraph Q.2(3) of the GPDO, and subject to the conditions in the schedule below.

Preliminary Matters

Dealing with the appeals

3. Appeal A and Appeal B relate to the same site and buildings. Both appeal proposals are prior approval applications that seek to change the use and convert an existing agricultural building into dwellings, with the provision of access, parking and private gardens. They differ in that Appeal A seeks to convert the buildings into 4 dwellings and Appeal B seeks to convert the bigger building into 2 dwellings following removal of the smaller building, with resultant elevational differences. Both appeals have been refused for the same reason.
4. Whilst I shall consider each proposal on its individual merits I will deal with the two appeals in a single document to avoid duplication, given that both schemes have much in common. Throughout the decision, I shall refer to the proposals as Appeal A and Appeal B in accordance with the way they are listed in the banner headers above.

Descriptions

5. The descriptions of both developments in the banner headers above are taken from the appellant's descriptions - the application forms said, "see Planning Statement". However, neither party has been consistent with the format or terminology used in any of their descriptions of the proposed development, which effectively amount to the same save for the number of dwellings that would be created.
6. What is clear from the appellant's Planning and Appeal Statements is that both proposals for Appeal A and Appeal B involve a change of use of the agricultural building, *together with building operations* to convert them [into 2 or 4 dwellings]. Consequently, both appeal proposals fall to be considered under Class Q.(b) of the of GPDO, something not reflected in the Council's description for Appeal A by simply saying 'change of use'.
7. I have, however, amended the description of Appeal B in paragraph 2 above to refer to 'building operations' as per the wording of the GPDO, instead of the appellants use of 'operational works'. Building operations are distinct from

mining or engineering or other operations that form part of the definition of development¹.

Procedural Matters

8. Under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO, planning permission is granted for development consisting of either 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 a change of use with building operations reasonably necessary to convert the building to a dwellinghouse.
9. Paragraph W(10) requires that account must be taken of any representations received and regard must be had to the National Planning Policy Framework (the 'Framework') so far as relevant to the subject matter of the prior approval.

Main Issues

10. The Council has found no conflict with any of the criteria in paragraph Q.1 of the GPDO, such that each proposal constitutes permitted development, subject to the prior approval of certain matters set out in Paragraph Q.2.(1)(a)-(g).
11. The Council's refusal reason for each appeal is the same and refers only to prior approval matter (f) relating to the design or external appearance of the building.
12. Therefore, the main issue for both Appeal A and Appeal B is whether the design or external appearance of the building requires prior approval to comply with condition Q.2.(1)(f).

Reasons

13. The appeal site comprises two modern single-span portal-framed agricultural buildings contiguous with each other, built circa 1970s-80s, and which lie close to the road. They are fairly large and of a simple rectangular form and of an unremarkable, functional and utilitarian design and appearance that is not uncommon on farms and in the countryside today. The buildings are clad externally in a mix of concrete panels, block work and corrugated fibre-cement sheeting, which is also used on the roof. The size of the buildings and their close proximity to the road and elevated position in relation to the fields around makes them fairly prominent in this roadside rural location.
14. The external facing materials would be retained in both appeal schemes. Additional blockwork walls and insulation would be added to the inside of the building to make it function for residential use. The retention of the existing external cladding materials, even if somewhat weathered, or 'shabby' as the Council describes them, would ensure the buildings retain their agricultural external appearance in this rural location, even if they are not the loveliest of buildings to start with.
15. The proposed external alterations are generally limited to new glazing. At the front and rear elevations this would replace the existing full height openings with their various metal and timber sliding doors, which create potentially even wider openings when the doors are pulled back. The new doors and window

¹ Under Section 55 of the Town and Country Planning Act 1990

frames would be painted grey, which would blend with the grey hues of the concrete panels and fibre-cement sheeting and help give a unifying appearance to the elevations overall. Furthermore, the pattern and rhythm of the fenestration would retain the vertical emphasis of the buildings, and the larger areas of glazing for the most part align with existing openings.

16. For both schemes, new openings would be added to the blank side elevations but only at ground floor. For Appeal B, which would see the conversion of the larger building and the demolition of the smaller building, vertical timber cladding would be added to parts of the elevations. I understand this is to break up the elevations in response to a previous refusal. The areas of timber are relatively small and inoffensive and timber is a commonly used material for agricultural buildings and so would not be out of place.
17. I find that both appeal proposals would involve relatively simple intervention with the retention of the existing cladding materials and principally the addition of glazing. Overall, the proposed changes would see a smartening up of the buildings that would not harm the character and appearance of the area.
18. For Appeal B the appellant offers an alternative elevation treatment that would see the ground floor concrete panels externally faced with 'natural coursed sandstone outer leaf'. Whilst the existing farmhouse is sandstone, adding sandstone cladding would look out of place with the fibre-cement cladding and create a more heightened and contrived mis-match of materials that would be more incongruous than the existing palette of materials. I shall not use the amended scheme.
19. It has to be accepted that building operations can be undertaken to the exterior of agricultural buildings for the purposes of a Class Q.(b). These are limited to those which are 'reasonably necessary for the building to function as a dwelling' and are listed in paragraph Q.1.(i). The Council is satisfied that the proposed works to install or replace windows, doors, roof and exterior walls would fall under the list of permitted building operations in Q.1(i).
20. Class Q applies to all types, styles and designs of agricultural buildings. It does not require the subject building to have any particular design or aesthetic merit before it can be considered suitable for conversion. Nor does Class Q make any distinction between old, new or vernacular buildings. The Planning Practice Guidance describes the prior approval process as a 'light touch'. Consequently, prior approval proposals are not subject to the same rigours as a planning application.
21. I acknowledge that the buildings are large and bulky. However, their size, the number of dwellings that would be created (whether that be 2 or 4), and the cumulative floor areas fall within the thresholds permitted under Class Q, to which the Council has expressed its satisfaction. Therefore, being large is not a determinative factor.
22. I find that the design and external appearance of both appeal proposals would be acceptable and there would be no significant harm to the character and appearance of the area, and would comply with paragraph Q.2.(1)(f).

Other Matters

23. The appellant refers to the Council not being able to demonstrate it has a five year supply of housing land. This is not a relevant consideration in the context

of a prior approval application under Class Q. Therefore I have not had regard to this in reaching my decision.

Conditions

24. Any planning permission granted for the change of use of agricultural buildings to dwellinghouses under Article 3(1) and Schedule 2, part 3, Class Q of the GPDO is subject to condition Q.2(3) which specifies that the development shall be completed within a period of 3 years starting with the date of the prior approval. Therefore this does not need to be listed in the schedule of condition.
25. Paragraph W(13) also allows the imposition of other conditions reasonably related to the subject matter of the prior approval. As there are two separate appeals at the same site I have added a plans conditions for the avoidance of doubt. The Council has suggested a number of conditions for each appeal. Apart from the list of plans, the conditions are the same for each appeal.
26. There are a number of highway related conditions that are necessary in the interest of highway safety to ensure safe and effective accesses and provision of parking. As there may be historical contamination and asbestos, it would be reasonable and necessary to require any soils for use on the gardens are tested for contamination.
27. I note the comments of the Council's Environmental Health department and two suggested conditions relating to construction/demolition hours and the submission of a Construction and Environmental Method Statement. The appeal site is part of a working farm. There are no immediately adjacent properties and the appellant's address is at the farm. For the scale of the proposed development these conditions are unnecessary.

Conclusion

28. For the reasons given above I conclude that both appeals should be allowed.

K. Stephens
INSPECTOR

Schedule of Conditions for Appeal A Ref: APP/B3438/W/21/3289709

- 1) The development hereby permitted shall not be brought into use until the visibility splays shown on plan 2020-2545-06C have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
- 2) The development hereby permitted shall not be brought into use until the access to the site has been constructed in accordance with the approved drawing 2020-2545-06C.
- 3) Before the proposed development is brought into use, the collection-day bin store clear of the highway, shown on approved drawing 2020-2545-06 C shall be provided. The bin store area shall thereafter be retained as such for the life of the development.

- 4) The development hereby permitted shall not be brought into use until the access drive to the rear of the public highway has been surfaced and thereafter maintained in a bound material between the carriageway edge and the point where the access narrows to 4.2m in accordance with the approved plans. The surfacing shall thereafter be maintained and retained for the life of the development.
- 5) The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plan 2020-2545-06C. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.
- 6) The development hereby permitted shall not be brought into use until all soils that are intended to be used for the proposed garden/soft landscaping areas are tested for contamination and assessed for their suitability for the proposed use.

Prior to sampling, a suitable methodology for testing the soil should be submitted to and agreed by the Local Planning Authority and should include the sampling frequency, testing schedules, and criteria against which the analytical results will be assessed. The results of the soil tests should be submitted and approved in writing by the Local Planning Authority.

If soil results indicates that a potential risks exists, no further development shall progress until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared and subject to the approval in writing by the Local Planning Authority.

- 7) In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not progress further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site.

If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not progress further until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been prepared, and is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

End of conditions for Appeal A

Schedule of Conditions for Appeal B Ref: APP/B3438/W/22/3294914

- 1) The development hereby permitted shall not be brought into use until the visibility splays shown on plan 2020-2545-17 have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.
- 2) The development hereby permitted shall not be brought into use until the access to the site has been constructed in accordance with the approved drawing 2020-2545-17.
- 3) Before the proposed development is brought into use, the collection-day bin store clear of the highway, shown on approved drawing 2020-2545-17 shall be provided. The bin store area shall thereafter be retained as such for the life of the development.
- 4) The development hereby permitted shall not be brought into use until the access drive to the rear of the public highway has been surfaced and thereafter maintained in a bound material between the carriageway edge and the point where the access narrows to 4.2m in accordance with the approved plans. The surfacing shall thereafter be maintained and retained for the life of the development.
- 5) The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plan 2020-2545-17. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.
- 6) The development hereby permitted shall not be brought into use until all soils that are intended to be used for the proposed garden/soft landscaping areas are tested for contamination and assessed for their suitability for the proposed use.

Prior to sampling, a suitable methodology for testing the soil should be submitted to and agreed by the Local Planning Authority and should include the sampling frequency, testing schedules, and criteria against which the analytical results will be assessed. The results of the soil tests should be submitted and approved in writing by the Local Planning Authority.

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- 7) In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not progress further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site.

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Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

End of conditions for Appeal B