

PLANNING, DESIGN & ACCESS STATEMENT

Change of Use of
Agricultural Building to Form
a Dwelling
Under Class Q of the
General Permitted
Development Order

At

Land off Heath House
Lane, Lower Tean, Staffs

December 2022

Document Control Sheet

Project Name	Conversion of agricultural building to form a single dwelling
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1 INTRODUCTION

- 1.1** Planning & Design Practice is a town planning and architectural consultancy with chartered town planners and an architect-led architectural design team. The practice operates throughout mainland Britain and has an excellent record of success since its formation in 2002.
- 1.2** This application is submitted in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 No. 632 (as amended).
- 1.3** Class Q (a) of the above Order grants permitted development rights for the change of use of agricultural buildings and any land within their curtilage to dwellinghouses falling within Class C3 of the Use Classes Order. Class Q (b) allows any building operations reasonably necessary to convert agricultural buildings to dwellings.
- 1.5** Class Q requires that for proposals relating to the change of use of an agricultural building and its curtilage to a dwellinghouse, a determination should be made as to whether the prior approval of the local planning authority will be required regarding:
- transport and highway impacts of the development;
 - noise impacts of the development;
 - flooding risks on the site;
 - risk of contamination;
 - whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwellinghouse; or
 - the design or external appearance of the building.
- 1.4** This application is accompanied by the following documents;
- Prior Approval forms;
 - Site Location Plan;
 - Existing and proposed site plans, floor plans and elevations; and
 - Structural survey.

2 SITE DESCRIPTION AND PLANNING HISTORY

- 2.1** The application site comprises an agricultural building located off Heath House Lane, Tean, approximately 7 miles north-west of Utttoxeter.
- 2.2** The building to be converted consists of a small modern steel framed building with three sides metal sheet clad and an open front set in approximately 25m from the site boundary. The building measures approximately 9m x 6m with a further 1.4m canopy overhang to the open front. The mono-pitched roof has heights of 2.5m at the rear and 3.6m at the front inner edge of the canopy which then slopes down slightly to the front. There is a concrete floor.
- 2.3** The building stands close to a mature hedge along the rear (north east) long elevation and the field boundary to the road also consists of a mature hedgerow.
- 2.4** Access to the site is via a private drive with an existing gated access that joins Heath House Lane on a bend a short distance to the south of the point where Heath House Drive and Heath House Lane meet.

Relevant Planning History

- 10/00801/FUL – construction of barn/sheep shelter including new access – refused
 - 11/00067/FUL – construction of barn/sheep shelter including new access – refused
 - 11/00476/FUL – construction of barn/sheep shelter including new access – approved
 - DET/2015/0022 – change of use of agricultural building to a dwelling house (Use Class C3) a Class Q application – withdrawn – the then building was larger than the earlier consents had allowed so was not authorised
 - SME/2015/0082 – Enforcement Notice: without planning permission, the erection of a steel framed shed [to the extent that it exceeded the earlier consent]
 - June 2016 – enforcement appeal decision – the appeal was dismissed and the enforcement notice upheld. Planning permission is refused on the application deemed to have been made under s.177(5) of the 1990 Act as amended.
 - DET/2020/0018 – prior approval for change of use of agricultural building to a dwelling house including alterations to front elevation
 - DET/2020/0053 - Conversion Of Agricultural Building To A Dwelling Under Class Q Of The General Permitted Development Order – refused December 2020
- 2.5** The most recent application (ref DET/2020/0053) was refused for the following 4 reasons:

“1. It has not been established that this building was at the relevant date of 20th March 2013 one capable of conversion. Town And Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (2015) Schedule 2 Part 3 procedure section W (3) (a) and (b) relate.

2. The extent of work required goes beyond simple conversion and would amount to a re-build rather than conversion. GPDO(2015) Schedule 2 Part 3 procedure section W (3) (a) and (b) relate.

3. The conversion and use of the building and the curtilage for a dwelling house at this location would bring a marked and harmful change to character and appearance strongly at odds with the rural field siting and agrarian use of the land in turn bringing harm to the setting of the adjacent South Lodge, a curtilage Listed Building to the Grade II Heath House and the adjacent surrounding historic park land setting and therefore also harmful to heritage without the counterbalance of a public benefit. GPDO(2015) Schedule 2 Part 3 Q.2 (1) (e) and procedure section W (10) (a) and (b) relate along with Staffordshire Moorlands Local Plan 2020 policies SS1, SS10, DC1, DC2 and DC3 and H1.*

4. The external appearance of the development would be of a compromised design with no place or linkage to the rural building tradition of the area and therefore wholly at odds with its location relating neither to its field position nor to any understood or recognised expectation of a residential dwelling. GPDO(2015) Schedule 2 Part 3 Q.2 (1) (f) and procedure section W (10) (a) and (b) relate along with Staffordshire Moorlands Local Plan 2020 policies SS1, SS10, DC1, DC2 and DC3 and H1.”

3 PROPOSED DEVELOPMENT

- 3.1** It is proposed to convert the building to a single storey 2 bedroom dwelling with associated building operations reasonably necessary for the building to function as a dwelling.
- 3.2** The proposal shows a minimalist design approach, making use of the existing wall and roof cladding.

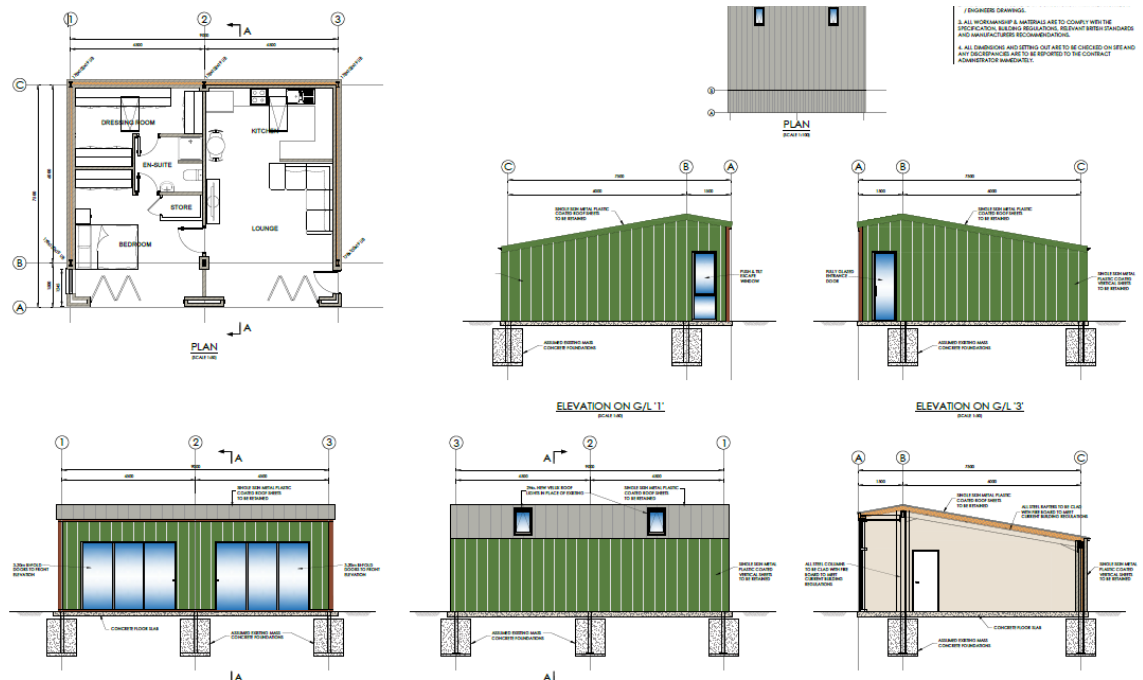


Figure 1 - Plans and elevations as proposed

- 3.3** No extensions to the building are proposed. The dwelling will have a footprint of 70 sq.m. A domestic curtilage for the proposed new dwelling of no greater than this area is proposed, which would form the garden and parking area to the front (southwest) and northwest side of the dwelling.
- 3.4** The existing farm access to the northwest of the application building will be utilised, without any alterations necessary.
- 3.5** Details of the existing and proposed site layout are included with this submission. Within the existing footprint of the building, the proposed plans ensure that habitable spaces adhere to nationally described space standards in accordance with updates to the GDPO.

- 3.6 The conversion of the building into a dwelling will require internal works of insulation and plaster-boarding to meet building regulations for energy efficiency (as would any barn conversion).

4 ASSESSMENT AGAINST CLASS Q LEGISLATION

- 4.1 The following forms of development are permitted under Class Q

“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; and 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.”

- 4.2 The legislation then goes on to state, in paragraph Q.1, the circumstances in which development is not permitted. These are repeated below, together with an assessment against each criterion which is provided in bold text.

- 4.3 *“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 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;*

The council’s 1st reason for refusal from DET/2020/0053 stated: “It has not been established that this building was at the relevant date of 20th March 2013 one capable of conversion. Town And Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (2015) Schedule 2 Part 3 procedure section W (3) (a) and (b) relate.”

The council clearly accepts that the building was in agricultural use at the qualifying date in March 2013 and that there has been no intervening use. The officer report stated that “the 2013 building was possibly not of sufficient structural integrity for conversion” due to the fact that

additional bracing was added to the building post 2015. However, this is a misapplication of the criteria, as confirmed by an appeal decision in the Staffordshire Moorlands district in 2018 (Appeal Ref: APP/B3438/W/18/3202031 - Hayes Gate Farm, Star Bank, Oakamoor, ST10 3BN) when an inspector accepted that internal strengthening works carried out to the barn in 2016 or 2017 did not amount to development within the meaning of Sections 55(1) of the Act, nor did they disqualify the building from Class Q consent. The appeal was allowed. A copy of this appeal decision is provided at Appendix A.

Given the above factors, it is clear that the building meets the criteria set out in paragraph Q.1(a).

(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;

(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;

At 70 sq.m, the building would not be classed as a larger dwellinghouse.

(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;

The dwelling would be a smaller dwellinghouse but it is the only building on the agricultural unit, hence the proposal complies.

(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;*

The proposal complies.

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

There is no agricultural tenancy.

- (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, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;*

There has been no agricultural tenancy historically.

- (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 Commented [S199]: Paragraphs (b) to (h) were deleted by 2018 No. 343 Commented [S200]: Paragraph (ba) was inserted by 2019 No. 907 (Page 71 of 271)*
- (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;*

There have been no such building works.

- (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;*

The proposal complies.

- (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*

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

The council's 2nd reason for refusal from DET/2020/0053 stated: *"The extent of work required goes beyond simple conversion and would amount to a re-build rather than conversion. GPDO(2015) Schedule 2 Part 3 procedure section W (3) (a) and (b) relate."*

Class Q (b) of the GPDO allows building works reasonably necessary to convert the building to a dwelling. Paragraph 105 of the National Planning Practice Guidance was updated on 15th June 2018 (ID 13-105-20180615) and clarifies the extent of building works permitted by Class Q (b). It states:

"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, as amended. 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.”

The application is accompanied by detailed elevations and a floor plan setting out the associated building operations which are considered to be reasonably necessary for the building to function as a dwelling house, in accordance with Class Q limitations. It is proposed to retain the existing profile sheet walls, together with the profile sheet roof and the concrete base. The existing front (southwest) elevation will be infilled with sections of glazing and matching profile sheet walls. Small window/door openings will also be inserted towards the front of the side elevations beneath the existing canopy.

The building is in good condition and, as confirmed by the accompanying structural survey, is sufficiently strong and sound to take the loadings associated with the proposed alterations. The building will need to be insulated internally to meet the requirements of the Building Regulations but no structural interventions are required or proposed to facilitate conversion. The internal insulation does not constitute development as set out in Section 55 of the Town and Country Planning Act 1990.

As set out above, the existing agricultural building will remain intact, with all existing exterior cladding and roofing material to be retained and treated where necessary. The application does not propose any rebuilding as part of the application. The proposed scheme does not require any demolition.

When having regard to the extent of building operations that are proposed it is considered that the works associated with the change of use are no more than is reasonably necessary to convert the building to a dwelling. The proposal therefore complies with paragraph Q.1(i) of the GPDO.

(j) the site is on article 2(3) land;

The site is not on article 2(3) land

(k) the site is, or forms part of—

- (i) a site of special scientific interest;*
- (ii) a safety hazard area;*

(iii) *a military explosives storage area;*

The proposal complies.

(l) *the site is, or contains, a scheduled monument; or*

The proposal complies.

(m) *the building is a listed building.*

The proposal complies.

4.4 The legislation then goes on to state, in Paragraph Q.2, a number of conditions as follows:

(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,

The site access provides good visibility in each direction. No objection or concerns were raised from the Highways Authority (subject to conditions) in relation to the previous application.

(b) noise impacts of the development,

The proposal raises no concerns in this regard. No objection or concerns were raised in relation to the previous application.

(c) contamination risks on the site,

The proposal raises no concerns in this regard. No objection or concerns were raised in relation to the previous application.

(d) flooding risks on the site,

The proposal raises no concerns in this regard. No objection or concerns were raised in relation to the previous application.

(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

The council's 3rd reason for refusal from DET/2020/0053 stated: *"The conversion and use of the building and the curtilage for a dwelling house at this location would bring a marked and harmful change to character and appearance strongly at odds with the rural field siting and agrarian use of the land in turn bringing harm to the setting of the adjacent South Lodge, a curtilage Listed Building to the Grade II* Heath House and the adjacent surrounding historic park land setting and therefore also harmful to heritage without the counterbalance of a public benefit. GPDO(2015) Schedule 2 Part 3 Q.2 (1) (e) and procedure section W (10) (a) and (b) relate along with Staffordshire Moorlands Local Plan 2020 policies SS1, SS10, DC1, DC2 and DC3 and H1."*

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. However, it is unclear whether South Lodge is in fact listed. The Northwest Lodge has its own listing entry (List Entry Number: 1374696) but the same does not apply to the South Lodge. However, if one accepts that South Lodge is curtilage listed there is still a separation distance of 55 metres between the lodge and the application building. There is also a substantial hedgerow along the northeast boundary of the field in which the barn is situated together with a substantial area of trees, meaning there is no intervisibility between the barn and the lodge even during the winter months. Furthermore, the proposal is for the conversion of an existing building and, whilst some elevational alterations are proposed these consist of the insertion of doors and windows together with the inclusion of a small curtilage area located immediately adjacent to the building. Consequently, having had regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 16 of the Framework it is considered that there would be no harm to the setting of South Lodge or any other designated heritage assets.

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

The council's 4th reason for refusal from DET/2020/0053 stated: *"The external appearance of the development would be of a compromised design with no place or linkage to the rural building tradition of the area and therefore wholly at odds with its*

location relating neither to its field position nor to any understood or recognised expectation of a residential dwelling. GPDO(2015) Schedule 2 Part 3 Q.2 (1) (f) and procedure section W (10) (a) and (b) relate along with Staffordshire Moorlands Local Plan 2020 policies SS1, SS10, DC1, DC2 and DC3 and H1.”

This reason for refusal, it is considered, takes the assessment of the proposal beyond the criteria included within Class Q. Class Q does not disqualify certain agricultural buildings from the permitted development right merely because of their shape or form. By their very nature, many modern agricultural buildings are not of a traditional form (i.e. narrow gables and steeply pitched roofs), nor are they finished with traditional materials such as red brick or stone and tiles. However, Class Q does not exclude such buildings from conversion. The proposed changes to the building are minimal, as detailed above in relation to the 2nd reason for refusal, and include less glazing along the front elevation than the previous proposal. It is therefore considered that the design and external appearance of the building will be acceptable and meet the criteria of paragraph Q.1(f).

(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.”

The proposal complies.

- (2) *“Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.”*

5 CONCLUSIONS

- 5.1** The application building is in agricultural use and the proposed building operations would fall within the definition set out in Class Q.1 (i) and would not go beyond what would be reasonably necessary for the building to function as a dwellinghouse.
- 5.2** Each of the council's 4 reasons for refusal from the most recent application have been addressed.
- 5.3** The proposed development therefore constitutes permitted development in respect of Class Q (a) and (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 No. 596.



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