

DELEGATED DECISION REPORT

DET/2022/0042
Valid 10/11/2022

HIGHER WHITEMORE
FARM CONGLETON ROAD
BIDDULPH

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A
PROPOSED: CHANGE OF USE
OF AGRICULTURAL
BUILDINGS TO
DWELLINGHOUSES

(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)

MAIN ISSUES

- Whether or not the proposal can be determined under a “Class Q” Prior Notification application and if so:
 - - The transport and highways impacts of the development
 - - The noise impacts of the development
 - - The contamination risks on the site
 - - flooding risks on the site
- - Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a residential use
- - The design or external appearance of the building
- - Whether or not the proposal would allow in sufficient light for the occupiers of the dwelling in the interests of their residential amenities

DESCRIPTION OF SITE

The site lies within the open countryside to the north of Biddulph and is reached via a long farm access track (also a Public Right of Way (PROW)) which connects to Congleton Road (A527) to the east on lower ground. It comprises a farmhouse, a traditional brick and tile L-shaped double-storey barn across the yard to the east of it and there are also more modern farm storage buildings. The group of farm buildings is surrounded by open farmland in the Green Belt. A mobile home was recently placed to the south of the L-shaped barns close to the access road.

PROPOSAL

The application is an “Application for the Determination of Prior Approval” for the conversion of the L-shaped redbrick barn into two 3-bed dwellings. It is a resubmission of the same type of application application which was approved in December 2017 but which has not been implemented. The drawings are exactly the same as those approved in 2017. The same 2017 Structural Appraisal Report has

also been submitted. The only difference with the application is the submission of an updated Ecology Report following daytime bat surveys undertaken in October 2022.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

National Planning Policy Framework – Revised July 2021.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

DET/2017/0035: Previous approved application for conversion of the barns.
Approved in December 2017 but no works have been undertaken.

CONSULTATIONS

Publicity

Site Notice expiry date: 5.1.23
Neighbour consultation period ends: 5.1.23
Press Advert: N/A

Public Comments

None.

Town/Parish Council Comments

Biddulph TC: Request that a full application is completed.

Local Highways Authority

No objection.

Environmental Health Section

No objection subject to standard conditions applied to barn into dwellings conversions on farms.

SCC Public Rights of Way

We are unable to comment on this application as, although the Definitive Map of Public Rights of Way for Staffordshire indicates there are rights of way along an access road and adjacent to the proposed development, they are not shown on any of the plans or mentioned in any of the documents.

Ramblers Association

This must not affect the PROW in any way.

Peak & Northern Footpaths Society

Use of the PROW, and the safety of users must not be affected by the development, nor during the work taking place.

OFFICER COMMENTS

The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) in 'Part 3 – Changes of Use', 'Class Q', allows the conversion of agricultural buildings into dwellings without the need to apply for full planning permission providing the criteria listed under Class Q are met. However, a "Notification of Prior Approval" application needs to be submitted instead and the Council must determine this against the material planning considerations listed above.

This proposal meets all of the criteria/tests under Class Q(1) for applying for a conversion under Class Q of the GPDO, as it did when the first application was submitted in 2017.

The proposal would not qualify for Class Q development if any rebuilding was involved (following an appeal decision known as the "Hibbett Case"). However, this is solid brick building with metal frame roof with supports which are shown to be retained in the Proposed Sectional drawing. A structural survey was undertaken by a private structural engineer and a letter was enclosed with the application giving details of the structural quality and concludes that no rebuilding or structural support works would be required in order to convert the building into a dwelling. The works that would be carried out including the attachment of insulation boarding to the inside of the external walls and the roof, would not constitute "rebuilding" and are not contrary to the list of works that can be undertaken under that part of Q(1). The insertion of internal walls to separate rooms is also not contrary to this. The works essentially required to enable the building to be habitable would be within the spirit of a conversion under Class Q.

The application must therefore be determined against the planning considerations listed under Class Q(2) also listed in the "Main Issues" section of the report:

The impacts in terms of highways, flooding, contamination, noise and design and appearance remain acceptable as they did in 2017. There would also be adequate natural light through the openings for the intended occupants.

The dwellings can also be easily provided in a building of this size without contravention of the governments Nationally Described Space Standards which seek to ensure an adequate amount of living space is created for the eventual occupants in the interests of their residential amenities/living conditions. There would also be a private outdoor area to the rear for each unit.

However, there is one impact that would differ from those of the scheme in 2017. This is the potential impact on bats, a protected species. Ecology Surveys in 2017

did not reveal any evidence of bats inside the building or any other protected species in or around the buildings that would be affected by the proposal. However, the surveys undertaken in 2022 did find potential evidence of bats roosting inside the building that may have entered since the previous approval. The new Ecology Report recommends further activity surveys are undertaken in the Summer months (the optimal bat activity season) to confirm for definite whether there are bats present in the building. There is therefore potential that bats could be affected by the works required to convert the barns into habitable accommodation.

One of the tests in Q2 required to be passed is criterion Q2(1)(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). Due to the potential for bats, a protected species, to be harmed by the proposal, the Council considers it is indeed “undesirable” for the use of the barns to change into dwellings and therefore this test has not been passed. Therefore Class Q2 has not been complied with and therefore the application should be refused.

It is also noted that the size of application site, which marks the residential curtilage and edged in red, is more than double the footprint of the building to be converted which is contrary to Part 3 Paragraph X. This aims to restrict the land needed around the dwellings for the purposes of, for example, car parking and garden areas, to an area no larger than the footprint of the building.

CONCLUSION / PLANNING BALANCE

The proposal can be determined under Class Q as it meets the test in Q1. However, in terms of planning-related impacts, the proposal would not comply with all the tests set out in part Q2 due to the potential harm caused to a protected species as a result of the works required to convert the building into dwellings and there is also conflict with other parts of Part 3 of the GPDO (i.e. para X). Prior Approval cannot therefore be granted for the proposal and it would not be deemed to be permitted development in accordance with Part 3 Class Q of the GPDO.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Chris Johnston
Recommendation Date: 5.1.23

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

