

DELEGATED DECISION REPORT

DET/2022/0040
Valid 13/10/2022

WRAGG HALL FARM
BIDDULPH PARK ROAD
BIDDULPH

**CHANGE OF USE OF AN
EXISTING AGRICULTURAL
BUILDING INTO A SINGLE
DWELLING WITH
ASSOCIATED BUILDING
OPERATIONS.**

**(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)**

MAIN ISSUES

- Compliance with GPDO(2015) Schedule 2, Part 3 Class Q
- (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.
- Provisions of paragraph W
- Definitions under paragraph X

DESCRIPTION OF SITE

Large two storey building on L plan layout set into rising ground reaching in part to first floor level at the rear (SE elevation)

Closely adjacent large steel framed 20th C sheds, one attached as a lean-to at the rear. Other large dilapidated sheds adjacent including a probable hen house currently disused within 8m to the south side 10m x 32m.

Access via farm drive which leads first to the original farm house dwelling and passes alongside other farm buildings.

The application building is of mixed materials including some brick but principally a pre-cast composite block work giving a rather stark appearance.

Beyond the bounds of the farm yard the setting is of rural field land. The farm is stated to extend to 5.8ha (c.14 acres).

PROPOSAL

Conversion to dwelling. Application assumes removal / demolition of the lean-to. Amended plans have been received including 05G which includes:

A visibility sight line of 2.4m x 75m to the north and 2.4m x 120m to the south to be provided at the existing access. The existing dry stone wall boundaries fronting the highway are to remain in-situ but vegetation between wall and sight line to the north is to be maintained at a maximum height of 600mm. The garden hedge to the south which is within the sight line is to be removed and a new hedgerow planted behind the visibility splay.

The application is accompanied by a planning statement, a structural report and a bat activity report.

The application form is for conversion to one dwelling and this is what the plans show although the agent's statement says at 3.1 "It is proposed to convert the existing agricultural building into two dwellinghouses". Then at 3.2 describes a one dwelling scheme. Para 3.3 says:

As well as the change of use of the building the proposal seeks approval for the associated operational development which include the demolition of the adjoining portal framed building, internal walls and steps, levelling and insulation of the ground floor, creation of new openings to provide windows and doors, thermal upgrading to walls and roof, suspended timber first floor being removed with new floor being introduced at a lower height to improve headroom and the provision of a new staircase with lift access.

At para 5.4 it is stated:

Existing openings are to be adapted and infilled with new glazed doors and windows. New openings are limited to the provision of a window at first floor level in the north western elevation and a new full height feature entrance door on the south western elevation. The ground floor will be insulated and levelled and walls and roof thermally upgraded internally.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS10 Other Rural Areas Area Strategy
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- H1 New Housing Development
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows

T1 Development and Sustainable Transport

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places; 13 – Protecting Green Belt Land; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

87/01069/OLD – alterations and conversion to form dwelling – approved

05/00132/FUL – removal of agricultural occupancy condition from planning approvals
87/00348 and 87/01069 – approved

08/00708/FUL – new single storey side porch and raising of roof line to provide new hallway and staircase – approved

Pre-application advice was provide to the applicant through a different agent under reference PAD/2019/0007.

SMD/2022/0489 for a second farm building at Wraggs Hall Farm proposes: Change of use of barn to single dwelling including extension, alterations, parking and hard and soft landscaping – pending.

CONSULTATIONS

Publicity

Site Notice expiry date: 9.11.2022
Neighbour consultation period ends: 7.11.2022
Press Advert: N/A

Public Comments

None

Town / Parish Comments

Biddulph Town Council: request that a full planning application is completed.

Environmental Health

No objection subject to conditions – to control pollution during development and unexpected contamination.

SCC Mineral safeguarding

Site is exempt from mineral safeguarding.

Staffordshire County Council Highways

This response is based on revised drawing 2022-2674-05 E which shows achievable visibility splays and addresses highway reason for recommendation of refusal. Visibility splays can be achieved by removal of vegetation to the north.

Drawing states vegetation to be maintained at a maximum height of 600mm but does not state that this is to be maximum 600mm above the adjacent carriageway level.

Recommended condition clarifies this to 900mm above adjacent carriageway level.

In response to a revised consultation received by Highways 30.11.2022: acceptable subject to conditions:

1. The development hereby permitted shall not be brought into use until the visibility splays shown on plan 2022-2674-05 E have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 900 mm above the adjacent carriageway level, with vegetation removed accordingly.
2. 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 2022-2674-05 E. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.

SMDC Conservation Officer

Declined opportunity to comment. [It can readily be understood that this particular barn conversion does not involve a building of any historic interest or qualities.]

OFFICER COMMENTS

Principle of Development

The principle of the development is derived from the GPDO subject to the proposal meeting the various criteria and conditions under Schedule 2 part 3 Class Q. The proposal is then assessed against the list of issues as set out in the GPDO and reproduced at the head of this report.

As a matter of principle the building must be capable of conversion without needing re-building. The site must also have been used solely for an agricultural use, as part of an established agricultural unit, on 20 March 2013, or if it was not in use on that date, when it was last in use.

The LPA can grant approval un-conditionally or subject to conditions "reasonably related to the subject matter of the prior approval".

The agent's statement says Wragg Hall Farm "was purchased by the applicant in 2002 and is registered with DEFRA under the holding number 37/0640/538". There is no definitive information as to the building's use at 20th March 2013 or at any time prior but it is asserted by the agent that, "The application building was clearly built and intended for agricultural use and has been in use as such for all of its time". The LPA finds no information from its records to confirm any other use. There are no large openings which would be more typical of an agricultural building and those there are appear somewhat domestic.

The building is not obviously in current use and the LPA found little or no evidence of current agricultural use or activity at the farm.

As regards being capable of conversion the submitted structural report does raise some areas of doubt:

At p.7 (building right / south side) The wall construction will require further investigation to determine its suitability as a retaining wall.

At p.8: Access to the left side is restricted. Around 2.5m of the wall is below ground level and is therefore retaining, above this is vegetation but appears to be a concrete block outer gable ended wall. The corner of the building is in a very poor condition, and it appears the adjoining retaining wall has collapsed.

The ground floor is a stepped concrete block, that will need upgrading / replacing to incorporate insulation and damp proofing.

At p.9: The building is in a good condition and could be suitable to convert into a habitable dwelling. The main area that would need to be investigated further, and will likely require upgrading, is the side and rear walls that will be retaining ground of 2.5m and 1.05m respectively. This area of wall will also need to be tanked to ensure no water penetration into the internal of the property.

At p.10: External walls to the front, side (track side), and rear (above storage area slab level) are in a good condition with only repointing works required. The main area of work to ensure the barn can be converted into a habitable space is the side wall (left) and rear wall below storage slab level, which will require further investigation and calculations undertaken to assess the suitability of a retaining wall. It is likely additional work will be required, which would consist of building a reinforced concrete or reinforced block wall with concrete behind the existing walls. These areas will also require tanking to current standards with drainage to enable the space to be deemed habitable.

Design

The LPA cannot concur with the several various assertions in the submitted planning statement that the building is 'traditional' or could be valued as a vernacular example. The cement composite blocks used in the exterior walling are of a form rarely encountered in the Moorlands and do not blend in with more genuinely traditional materials of this part of the District. The building does however have a Staffordshire clay tile style roof. It would also be fair perhaps to describe the building as 'traditionally derived' in its scale and form and in the proportions and distribution of the existing openings.

The exterior block work (which appears to be bonded to an inner brick leaf) gives an unfortunate and drab external appearance and cannot be considered good design. It is however the building as it stands and not a proposal as such.

Amenity – location or siting; noise impacts

There are not found to be any adverse impacts for neighbours. The separation distance from the farm house is 20m which is slightly below the Space About Dwellings 22m guideline but there are no facing principal windows from the farm house.

Concerns about amenity do arise for the proposal dwelling from the building's proximity to other farm buildings – chiefly the large hen house or pig rearing shed 8m to the south (although currently out of use) and a large open store shed tangentially alongside / offset to the north. These buildings must be regarded by the LPA as likely to be capable of lawful agricultural use. This proximity could be regarded as not conducive to the welfare and amenities of residential occupiers of the proposal building. The attached lean-to as already noted is to be demolished. A condition could be attached to require details of an appropriate ground landscaping scheme.

It may however be considered unreasonable to condition the removal of the other buildings as the business dependency of the farm holding on these building is not known.

With regard to proximity to farm yard the agent replied by e-mail: "The ground floor doors to the north west elevation serve an existing opening which open onto the farmyard. The door is merely required to enable this part of the building to be used

as storage. The area immediately in front of the door will continue to be farmyard and the adjacent portal framed building will continue to be used for the covered storage of implements and machinery as currently as the farm will continue to operate. Given the low level and nature of use along with the fact that the room closest to the portal framed building is a store it is not considered that any amenity issues would arise.” The LPA must however regard the use, whether storage or other dwelling space, as residential. The dwelling would have access on the north side directly into the farm yard. The proposed master bedroom is at a point closest to the portal frame shed off the north corner.

The LPA’s concerns have been put to the agent who has offered a number of points in response in a series of e-mails received 10th January 2023.

There is no specific guidance on what constitutes ‘impractical or undesirable’ for the purposes of criterion (e) of Q.2, but the PPG provides some further information about considerations which might be relevant. This sets out that impractical reflects that the location and siting would ‘not be sensible or realistic’, and undesirable reflects that it would be ‘harmful or objectionable’. The example of where conversion may be considered impractical is a building adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals is given as an example of a case where conversion may be undesirable.

As you will have seen by your site visit the activities associated with the site and surrounding area currently do not constitute intensive farming. Furthermore, there is nothing to indicate that this situation is likely to change in the future. There is also no evidence that either of the adjacent buildings would be used for silage storage or to store dangerous machines or chemicals so as to cause unacceptable harm to the living conditions of future occupants rendering the location of the building undesirable.

Therefore on the basis of the above and my previous emails earlier today I can only further conclude that the council’s concerns regarding the proximity of the adjacent agricultural buildings is unfounded and that refusal on these grounds could not be substantiated.

The existing internal walls and roof of the application building will be insulated upgraded which in turn will not only improve the thermal qualities but will also assist with sound proofing the building too.

The suggestion to demolish two further buildings, the 3 bay portal building and the detached building referred to as a hen house would result in the loss of the remaining functional farm buildings and therefore leave the holding without any useable buildings on site which is obviously unacceptable and would only lead to further pressure for a replacement building in the future. Given the topography of the site it is considered that the provision of any replacement portal framed building would have a greater impact upon both the openness and amenity of the Green Belt.

The points made overall are relevant and hold validity though it could be argued that the examples cited from the PPG mirror the LPA's concerns here. That said these buildings would not accommodate livestock rearing on any sizeable intensive scale. It may be noted also that any occupiers would be coming to the building aware of its surroundings. In a rural area numerous dwellings have traditionally been occupied in close proximity to agricultural activity. No EH objections have been raised in the consultation response. On balance taking into account all of above it is concluded that the proposed dwelling can be accepted despite its very close proximity to agricultural yard and buildings.

Highway Safety – transport and highways impacts of the development

The Highways Authority (HA) response shows that some visibility splay improvements with on-going maintenance are required. The HA require a somewhat greater intervention than shown on the revised drawing – hence their 900mm height above road level condition. Critically the LPA understands, and the drawing shows the land north of the access point is in different ownership and therefore implementation of the condition would potentially be beyond the applicant's control. Again this has been raised with the applicant who has been advised that a condition would need to be attached. The applicant is one member of the family who between them own the farm or divisions of it. Based on this – supported with correspondence with the agent – the LPA in this case concludes that there is reasonable likelihood that the condition can and would be implemented.

Ecology

The applicant's submitted ecology report finds bats present in the building – day roosting but not breeding presence and likelihood of nesting birds including Swallows. The report makes appropriate recommendations at section 6 including that a Natural England licence will be required before any site work can begin. A condition and informatives should be attached in the event approval is granted.

CONCLUSION / PLANNING BALANCE

On balance, although not conclusively, the LPA can accept the probability that the building (which is found from publicly available air photos to have been in existence at least since 2006) would have been in agricultural use in 2013 or when last in use before then. It remains a matter of fact that if the agricultural use criterion of Class Q is not met the development would not be permitted under the GPDO(2015).

As regards being capable of conversion the submitted structural report does raise some areas of doubt as highlighted above under 'principle'. On balance it may be considered that the evidently essential interventions, though obviously significant, would not amount to a re-build.

The report (above) discusses the relationship of the dwelling to surrounding farm use or potential use and the resulting potential adverse impacts on living conditions in

terms especially of potential noise and disturbance but which could also include safety of occupiers in passing through a farm yard and living on the edge of a farm yard. On balance it is concluded that these concerns in this case are not of such weight as to require refusal of the development.

OFFICER RECOMMENDATION : **approve**

Case Officer: Arne Swithenbank

Recommendation Date: 21.12.2022 revised 12th January 2023

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council