

DELEGATED DECISION REPORT

DET/2022/0027
Valid 28/06/2022

BIG SHAFFALONG FARM
SHAFFALONG LANE
CHEDDLETON

CHANGE OF USE OF
AGRICULTURAL BUILDING TO
UP TO 5NO DWELLING
HOUSES.

(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 in the open countryside about half a kilometre to the east of the large village of Cheddleton and is also in the Green Belt. It comprises a large modern blockwork and corrugated metal sheeted farm storage building with large openings and has a rectangular footprint of 25 x 34 metres. It is part of a farm, Big Shaffalong Farm which lies to both the north and south sides of Shaffalong Lane, a narrow and bendy lane which leads upwards from the village to the farm and then continues westwards. The site is a short distance to the north of the lane and there is an access which farm track leading down the side of the site and northwards to another farm with farm buildings, Little Shaffalong Farm. The access is also a Public Right of Way for a short distance before the PROW becomes a footpath running northwards through fields. There is another public footpath from the road heading through fields towards the south, a short distance to the west of Big Shaffalong farmhouse (on the south side of the lane). The two farms are surrounded by open land and fields and seem to be on a plateau or ridge with land sloping downwards from the farms towards both the west and east.

PROPOSAL

The application is an “Application for the Determination of Prior Approval” for the conversion of the barn into five single-storey dwellings. There would be four equal-

sized square-shaped 2-bed dwellings, one on each corner. The middle section of the building would be dominated by the largest unit, with three bedrooms. The footprint would be cross-shaped, with a large section on an east-west axis and two smaller wings extending of this main middle section, up to both the north external wall and south external wall, keeping the corner 2-bed units separate. The original plans showed minimal finishing works, retaining concrete blockwork walls and corrugated iron cladding above. Existing openings would be re-used for external doors and windows including wide sliding/patio doors. New openings would also be formed providing further windows/sliding doors. The existing rooflights would be retained.

Amended plans were received, dated 15.9.22, showing the addition of timber boarding particularly on the upper half of the walls, above the retained exposed blockwork and replacing the metal sheeting (although some of this has been retained). The roof looks to be retained with a corrugated iron sheets finish.

An amended layout drawing was received with the bedrooms of the 2-bed corner units pushed to the north and south external walls whereas before they were closer to the middle of the building, served by the rooflights.

An amended site plan has also been received showing revised parking areas and also outdoor garden areas for each unit. The parking areas would be adjacent to and served by the current farm access track to the east of the building. There would be two spaces per 2-bed unit and three spaces for the larger 3-bed unit. The rest of the land around the building within the application site would become grass outdoor areas for each unit, separated by post and rail fencing. It is not clear how the two west corner units would be accessed from the parking areas due to the presence of this dividing fencing.

The application is accompanied by a Structural Survey Report, a Preliminary Ecology Report and a Bat Activity Survey Report and also a Planning Statement which gives further details of the case.

Later on in the process a Transport/Highways Statement and a Design Statement were submitted.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

National Planning Policy Framework – Revised July 2021.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None relevant.

CONSULTATIONS

Publicity

Site Notice expiry date: 21.7.22

Neighbour consultation period ends: 21.7.22

Press Advert: N/A

Public Comments

Four letters of objection were received from local residents concerned that the dwellings would be out of keeping with the area and in an inappropriate location causing problems on the surrounding lanes (deemed unsuitable for the increased traffic) in terms of highway safety, including to pedestrians. The lack of amenity or outdoor space on the original plans for the new occupants was also mentioned and also that the additional families in the area would put more strain on village facilities.

Town/Parish Council Comments

Cheddleton Parish Council Object as it falls within the green belt, lack of sewage facilities and outside the village boundary. Single track road to access and via Shaffalong Lane which is only a country lane, so road access is not appropriate.

Local Highways Authority

In response to the original application, the authority recommended refusal for the following three reasons:

1. Application fails to demonstrate adequate (or any) parking within the site curtilage defined by the red line.
2. Access roads to the site are narrow, constrained and in places tortuous in alignment with restricted forward visibility. Intensification of use of such roads would be contrary to the interests of highway safety and convenience of road users.
3. Site is in a less than sustainable location with no pedestrian facilities along narrow, constrained and in places tortuous alignment with restricted forward visibility contrary to the interests of pedestrian and highway safety.

The authority commented as follows:

Shaffalong Lane between the application site and A520 is narrow, constrained by roadside features, hedges, vegetation, embankments etc is in places of tortuous alignment and of restricted forward visibility. There are few passing places and none can be provided within the red line or in relation to the scale of the development. On street parking occurs along Hollow Lane Shaffalong Lane/Brund Lane in a southerly direction is slightly less tortuous but is still relatively narrow and is a longer route to A520. COU from a relatively modern agricultural building to 5 dwellings will likely increase use of the lane which would increase the likelihood of vehicles meeting at points at which they cannot easily pass which would be contrary to the interests of highway safety.

Planning Statement paragraph 6.6 states '...is considered to have a negligible effect on the character and number of vehicles accessing the network.' No information is submitted to support this. Clearly vehicles will be private vehicles in daily domestic use rather than agricultural vehicles in use when necessary. Five dwellings in place of one agricultural building is likely to represent an intensification.

Visibility to the east is restricted. The red line does not connect to the public highway. Five dwellings are shown within the red line. No parking is shown within the red line. It is not clear how parking could be laid out and provided within the red line. There are no pedestrian facilities between the site and cheddleton or A520 approx 900m away. Site is not in a sustainable location.

In response to the final amended plans and submitted Transport/Highways Statement, the local highways authority upheld the objection, repeating reasons 2 and 3 of their initial consultation response (removing the inadequate parking reason as this had now been deemed to be resolved).

The additional comments are as follows:

The figures for typical daily traffic are figures that the applicant has previously used and that have previously been questioned. Vet visits twice a week but shown as daily trips. Twice a week still seems high. Feed deliveries are shown as 4 HGV loads delivered a day. How many animals are on this farm? HGV could carry 20 tonnes. 80 tonnes of food a day seems very high. Farm hands – 2 staff employed full time just in this barn, seems high. Daily maintenance – 4 two way trips a day – seems high. Tractor trips to/from farm. There is no blue line so not apparent where the farm is that would require 2 trips per day. The obvious farmhouse and yard is approx. 80m away and away from the highway. Muck collection – from/to where? Transport Note (TN) states that SCC highway officers are of the view that the existing farm could generate 10 two way trips per day. This is not the case. Proposed development is proposed to generate 23 two way vehicle trips daily. This is in excess of the extremely generous estimation of existing generation. It will be significantly in excess of any trip generation that could be agreed. As initially stated in original response, Five dwellings in place of one agricultural building will represent an intensification.

Environmental Health Section

No objection subject to standard conditions applied to barn into dwellings conversions on farms but with an additional condition requiring sound insulation to protect the occupants of each unit from the adjoining units, in accordance with details to be submitted to the Council for approval.

Staffordshire Wildlife Trust

Refer to the ecology standing guidance.

Severn Trent Water

No objection and no drainage condition required.

SMDC Waste Collection Service

No issues regarding waste collections.

Peak & Northern Footpaths

We note that the PROWs Cheddleton 1R & 22 are very close to or within the proposed site. Whilst the application recognises the PROWs, we could not find any indication that the PROWs might be affected. Use of the PROWs, and the safety of users must not be affected by the development, nor during the work taking place.

Ramblers Association

Cheddleton P.R.O.W 1R/1987 runs down the side of the proposed site. All care must be taken to keep this path open during and after the development has taken 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. For example, the previous use of the building was for agricultural purposes and it falls within the floorspace size thresholds for providing one large dwelling (i.e over 100sqm but less than 465 sq.m and four small dwellings (i.e. not exceeding 100sqm) and with a total floorspace of less than 1000 sq.m, amongst other tests in Q1.

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 blockwork building with significant foundations, a steel frame and a roof with steel purlins and corrugated roofing still intact. A structural survey was undertaken by a private structural engineer and concludes that no rebuilding or structural support works would be required in order to convert the building into residential uses. The report does recommend some significant works to allow it to be re-used for a residential purpose and this includes the strengthening or replacement of roof purlins. But the complete rebuilding of any walls or the roof are not necessary. I am satisfied that significant "re-building" of the building is not required. Other works that would need to be carried out in order for it to operate as a dwelling would include the building up of the concrete external walls as the upper parts comprise just metal sheeting attached to the frame. Insulation boarding would then be applied to the inside of the external walls and the roof and new windows would be placed in the current openings with some new openings created and some flooring works, although there is a concrete floor/base still present. Again, these 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 each unit and

create 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:

With regard to the transport and highways impacts of the development, the local highways authority (SCC) has raised significant concerns due to the location of the site and the nature of the surrounding roads to be used to access the nearest settlement. The authority considers that the five new dwellings would lead to a significant increase in vehicle movements from the site in relation to the previous agricultural uses of the site. This is also based on a report submitted which details the movements that had occurred from agricultural delivery and collection vehicles, staff cars and visits from vets. The predicted increase in traffic on the lane, which is narrow, bendy, well enclosed by vegetation and banking and on a hill, in the direction of the nearest village and town where local shops, services and workplaces and also where there is restricted forward visibility is considered to lead it to be more unsafe to all highways users including cyclists and pedestrians. The site despite being close to a large village does not have good and safe access to the village via walking and cycling due to the nature of the road and nearby public footpaths would only be an option to walkers during daylight hours. This would potentially increase the reliance on private car use, which again would increase traffic on an unsuitable road. Due to the impact on highway safety, the proposal does not pass this particular test of Class Q2 and therefore the application to convert the farm building into dwellings would be refused.

With regard to the noise impacts of the development, the site is within a working farm property and so the occupants would encounter a certain degree of noise and disturbance, but this is to be expected on working farms and would not necessarily lead to any significant harms to living conditions or overall residential amenity. There are no noisy uses outside of the property including any industrial workings. The use of the building as a dwelling itself would not give rise to any significant noise nuisance affecting the nearest existing dwellings outside of the farm property which are a considerable distance away. The Environmental Health Section does not object to the proposal on the basis of noise and sound insulation can easily be added to protect the units from the adjoining units. I consider this particular test of Class Q(2) has been passed.

With regard to the contamination risks on the site, there is likely to be some contamination as a result of the site traditionally being part of a working farm but this is unlikely to be significant to the extent that it affect the future occupants of the building. The Environmental Health Section do not object to the proposal and consider a contamination survey would too onerous and instead recommend a condition requiring details and measures only in the event of “unexpected” ground contamination being found, for example, if the outdoor amenity/garden area is to be soft landscaped. This particular test has been passed.

With regard to flooding risks on the site, the site is not in a flood plain and does not appear to be affected by any localised flooding. The site does appear to be on a hilltop or ridge with land sloping away from the site to the west and east and an

adequate drainage scheme to serve the new units can easily be added. This particular test has been passed.

With regard to 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, there are no such concerns in this respect. One of the potential impacts that could occur in a rural location is the impact of conversion works on bats, a protected species. The building is deemed to have moderate potential for being used as a bat roost as confirmed in the Ecology Report. Bat Activity Surveys are therefore required to be undertaken in this instance and this has been done during the Summer (the time of year for bat presence) and the results included in the additional report. This revealed no evidence of bat usage and so therefore the conversion works would not lead to their harm. The Ecology Report also did not identify any other protected species which may be affected although a birds nest was found but can be carefully removed via conditions.

The unsustainable location could be considered to amount to an undesirable impact. However, there have been case decisions at appeal where the level of sustainability of the location of a site should not be used alone to refuse an application on the grounds of a Class Q scheme being undesirable. The issue of the level of sustainability of the location is not to be taken into account in Class Q applications, although the unsustainable location certainly does not help the highway safety situation as discussed previously, it would lead to greater potential to use private cars along the unsafe lanes.

Essential services and infrastructure for the occupants of the barn such as electricity and water supply can be provided particularly as there are other nearby dwellings at the property (the farmhouses) which have such services and therefore the required infrastructure can be easily extended to the application site. There is nothing to suggest that it would be impractical to use the building as a dwelling via conversion works and which can function as a dwelling with decent living conditions.

The dwelling can also be easily provided in a building of this size without contravention of the governments Nationally Described Space Standards which aims 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 separate private outdoor garden area for each unit for the enjoyment of the occupant(s).

With regard to the design or external appearance of the building, the building is a large and bulky modern storage building with corrugated metal sheeting and concrete blockwork. Although such buildings are not uncommon in rural areas, the building does not have any design merit and is considered to be a purely functional appearance which does not contribute positively to the traditional rural character and appearance of the area. The building is very prominent and visible from the road, a number of nearby Public Rights of Way crossing fields and along farm tracks and also from long distances across the landscape where the land slopes down and then rises again towards the east.

The building is considered to currently have a poor design and appearance unsuited for a dwelling. The original scheme was submitted showing minimal external improvements, mainly just new windows and doors and with the unattractive corrugated metal sheeting on the walls and roof and exposed concrete blockworks still intact. The amended plans show timber boarding applied but this only marginally improves the appearance and the overall design and appearance of the building would still be very much hindered by its bulky and rather oblique shape, size and form.

Although approvals have been given for the conversion of modern portal framed buildings under Class Q, each proposal should be judged on its own individual merits. The building on site due to its scale and form and large width and depth give the building an excessively large and bulky appearance akin to a warehouse and the scale and form of the building even after conversion would still in the opinion of the Council result in a poor design and appearance that continues to harm the appearance of the area, particularly as it is so visible in both short range and long range views across the landscape. The application would therefore fail to meet this particular test in Class Q(2) and therefore the application should also be refused for this reason.

Finally, with regard to light provision, the large openings and several rooflights would be retained as windows and glazed doors and also some limited new openings provided allowing adequate light into each habitable room. There is no significant concern over light provision for the benefit of the future occupants and their living conditions/residential amenities.

The scheme complies with the other parts of Part 3 of the GPDO (relating to changes of use) and the guidance for Class Q development in that the total residential curtilage area (i.e. the areas used for outdoor private garden use and car parking) would not exceed the size of the footprint of the building.

CONCLUSION / PLANNING BALANCE

The proposal can be determined under Class Q as it meets the tests in Q1 but in terms of planning-related impacts, the proposal is not acceptable in design and appearance terms and due to the increased vehicle movements arising from five new dwellings in this location, would also be detrimental to highway safety on the adjacent road and would therefore fail to comply with two of the tests set out in part Q2. The application should therefore be refused as it does not comply with Class Q2 of Part 3 of the GPDO and therefore cannot be undertaken under permitted development in accordance with Part 3 Class Q of the GPDO.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Chris Johnston
Recommendation Date: 3.2.23

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council