

DELEGATED DECISION REPORT

DET/2023/0001
Valid 16/01/2023

NEW HOUSE FARM
LUZLOW LANE
BAGNALL

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A
PROPOSED PROPOSED:
CHANGE OF USE OF
AGRICULTURAL
BUILDINGS TO
DWELLINGHOUSES (USE
CLASS C3), AND FOR
BUILDING OPERATIONS
REASONABLY NECESSARY
FOR
THE CONVERSION

(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)

MAIN ISSUES

- Whether or not the application and proposal details as submitted comply with GPDO (2015) Schedule 2 Part 3 Class Q – permitted change of use
- transport and highways impacts;
- noise impacts of the development;
- 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 use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order;
- design or external appearance of the building;
- the provision of adequate natural light in all habitable rooms of the dwelling house;
- Part 3 paragraph W (procedure for applications under Part 3 prior approval) including assessments of impacts or risks.
- Part 3 – paragraph X.

DESCRIPTION OF SITE

The application site is New House Farm, Luzlow Lane, Bagnall. The farm buildings are limited in scale and are located adjacent to the western side of the public road Luzlow Lane. There are sporadically sited dwellings and a caravan park within the vicinity. There are several agricultural buildings on the site linked together in groups. They are all small in size and appear to have grown up organically and one of these is proposed to be converted. Other buildings are proposed to be demolished and a

new agricultural building constructed to replace them. A planning application has been received for the building and still needs to be determined.

The building which is to be converted is of brick / block construction with shallow pitched roof and is located close to the road to the north of the farm house. It is attached to other buildings which are proposed to be demolished.

The property stands within the Green Belt, it is not listed and does not form part of any Conservation Area. There are no protected trees which need to be considered. Land levels within the site vary. Around the application building the land is higher to the east where the road is, sloping gradually downwards towards the west.

PROPOSAL

Residential conversion of part of the building utilising the Class Q provisions. External amenity space would be to the rear (west) and parking is to the south east. Access to the site would be using an existing access to the farm yard.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan
SS1 Development Principles
SS10 Other Rural Areas Strategy
DC1 Design Considerations
DC2 The Historic Environment
DC3 Landscape and Settlement Setting
NE1 Biodiversity and Geological Resources
Appendix 2 Parking Guidance
Supplementary Planning Guidance

1. Design Principles for Development in the Staffordshire Moorlands.

Supplementary Planning Document

1. Staffordshire Moorlands Design Guide

National Planning Policy Framework

Including sections;

- 2: Achieving sustainable development
- 5: Delivering a sufficient supply of homes
- 6: Building a strong, competitive economy
- 9: Promoting sustainable transport
- 12: Achieving well-designed places
- 13: Protecting Green Belt land
- 15: Conserving and enhancing the natural environment
- 16: Conserving and enhancing the historic environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2020/0492 First floor extension to farm house. Approved 13 11 20

SMD/2020/0019 Replace existing domestic Garage. Approved 28 02 20

SMD /2018/0542 Extension to house Approved 21 06 19.

CONSULTATIONS

Publicity:

Public Comments: No representations received.

Parish Council: No objection

Severn Trent Water: No representations received.

Waste Services (SMDC): No issues regarding waste collection.

Environmental Health: No objections subject to conditions and informative notes.

Highway Authority, Staffordshire County Council No objection subject to condition.

OFFICER COMMENTS

Principle of development

The Town and County Planning (General Permitted Development) (England) Order 2015 (As amended) allows, within Class Q, for the change of use of an agricultural building and any land within its curtilage to a use falling within Class C3 (dwelling houses) as well as building operations reasonably necessary to convert the building into a dwelling house. It is clear that a Class Q development is not permitted if the site was not solely used for an agricultural use as part of an established agricultural unit on (i) 20th March 2013, (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.

Agricultural building is specifically defined at paragraph X to part 3 as meaning a building “used for agriculture and which is so used for the purposes of a trade or business”.

Part X (Interpretation of Part 3) states that for the purposes of Part 3 ‘established agricultural unit’ means agricultural land occupied as a unit for the purposes of agriculture and ‘agricultural building’ means a building (excluding dwelling house) used for agriculture and which is so used for the purposes of a trade or business; ‘agricultural use’ refers to such uses.

The application proposes for only part of the attached group of agricultural building to be converted into residential accommodation. The other parts are to be demolished. The officer site visit confirmed that the building is currently vacant other than a limited storage. Part of the building is laid out for the housing of cattle. With a

building of this age it would be unlikely if it hadn't been put to some storage use, what is clear is that the building is predominantly used for agricultural purposes. For these reasons it is considered that the proposal complies with part Q1(a).

Paragraph Q.1 a and b provide slightly different criteria depending on if the floorspace to be converted is classed as a 'larger dwelling house' or a 'smaller dwelling house.' Larger dwelling houses are defined as those having a floor space of more than 100 square metres and smaller dwelling houses having less than 100 square metres. This scheme would have a resultant floorspace area of approximately 123 square metres, therefore rendering the scheme as one forming a 'larger dwelling house.' As such it is noted that the application complies with the provisions of Q.1b where the number of dwellings proposed is less than 3 and the floor space does not exceed 465 square metres.

Paragraph Q.1d is not relevant as there are no previous Class Q developments on the site/within the subject building.

Q.1(e) and (f) relates to agricultural tenancies. The application does not appear to fail on these points. The application form states that there is no agricultural tenant and the planning statement confirms that no agricultural tenancy has been terminated less than one year before the application was made.

Q.1(g) No approval has previously been granted for an agricultural building under Part 6 of the GPDO.

For these reasons, the application accords with these provisions.

(i) since 20th March 2013; or

(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;

(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;

Q.1(h). The application complies with this provision as the development would not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.

Q.1(i) states that the development is not permitted under Class Q if 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 dwelling house; and

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

The building is generally in a poor condition. The application has been accompanied by a structural report. The report states, that conversion is possible parts of external walls need to be rebuilt parts stitched together. Roof will need additional support and tied into walls. Insulation and DPM needed for residential use. Underpinning of foundations needed.

In reading the entire report it is clear to see that the required works are generally those that are reasonably required to allow for the conversion and would generally be able to be undertaken without the need for planning consent. It is noted that much of the work is internal, the re-roofing of a building is allowed within the remits of Class Q.

(j) the site is not on article 2(3) land;

(k) the site is not and does not form part of a site of special scientific interest; a safety hazard area; or a military explosives storage area;

(l) the site is not and does not contain, a scheduled monument; and

(m) is not and does not contain any listed building.

Part of the Class Q(a) allowance is for land within the curtilage of the building to change its use from agricultural to domestic. Part X (Interpretation of Part 3) defines 'curtilage' as

a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or

b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser. The application accords with this provision as the area of land marked at outdoor space (parking space and amenity space), is smaller in size than the area of land occupied by the part of the building to be converted.

Condition Q2 of Class Q requires the Local Planning Authority to determine whether or not prior approval is required in respect of;

(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 (dwelling houses) of the Schedule to the Use Classes Order,

(f) the design or external appearance of the building

(g) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

The provisions of paragraph W (prior approval) must also be applied and the Local Planning Authority must have regard to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

Transport/Highways

The property is accessed via the existing vehicular access to the farm / the house which gains access on to Luzlow Lane a two- track road.

Parking for 2 cars is provided for in an area immediately at the side of the building. The new dwelling is shown to have 3 bedrooms and the provision of 2 parking

spaces within the site complies with the requirements of the Local Plan Parking Standards.

Amended plans have been received and the highway authority has commented on them and does not object to the approval subject to condition, and that the works are done as shown the plans

It is proposed to add a condition requiring the applications parking and manoeuvring space be provided before the building is occupied. Overall it is considered that the development would give rise to any unacceptable impact on highway safety.

Noise

The site is within a relatively isolated location, the nearest neighbouring dwelling belonging to the applicant. The entire site is a farmstead. Environmental Health officers have confirmed they have no objections to the application in terms of noise but comment that if the residential building is to be sold to third parties (not involved in the farm) then a sound insulation condition should be placed on the permission. A Class Q application does not tie the building to the existing farmstead and therefore future occupancy cannot be guaranteed. It is therefore reasonable to add a sound insulation condition requested by the applicant.

Contamination

Environmental Health officer have no objections in terms of contamination issues. The EHO states that the site has historically been used as an out building / hardstanding and may have some associated contamination (chemicals / asbestos from old buildings) and that a full contamination assessment would appear to onerous,.. EH do recommend contamination related conditions including relating to soft landscaped / garden areas.

Flooding

The application site is not within any area known for flooding. Environment Agency Zone 1.

Location/Siting of the building

This point allows for consideration of whether the location or siting of the building makes it impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwelling houses). The application site can easily be accessed by vehicles due to the existing driveway serving the main farmhouse. It has already been established that there would be no issue in respect of noise or contamination. The building is an established rural building constructed for an agricultural use which lends itself well to domestic conversion within the realms of the Class Q allowances.

Design and external appearance of the building

The existing buildings on the site are in a poor state of repair. Further they appear to have been constructed incrementally and are to a poor architectural standard. Much of the structure uses metal sheeting as walls.

The parts of the building to be retained will have walls of brick and block, the less attractive cladding walls part of the building will be removed. The roof of the buildings to be retained is and will remain very shallow pitched.

Overall the design and appearance of the dwelling will be more attractive than the structures on site at the moment.

The provision of adequate natural light in all habitable rooms of the dwellinghouses

All the habitable rooms in the proposed dwelling will have windows which have some outlook and thus would have adequate natural light.

Ecology

An ecological report has been provided which indicates that bats roost in the attached building, which is proposed to be and will need to be demolished as part of this application. An appeal by this council has given a clear direction on the way ecology matters must be considered (APP/B3438/W/19/3230017) in the case of class Q application they cannot be refused for ecological reasons and the safeguarding of protected species and their habitats would be dealt with under other legislation. It is considered that this stance must be taken here. The applicants agent was made aware of their responsibility by providing the details of the above appeal.

CONCLUSION / PLANNING BALANCE

That the application complies with the Class Q provisions and approval is recommended.

OFFICER RECOMMENDATION : Approval subject to conditions and informative notes.

Case Officer: Alan Lynch

Recommendation Date: 13/03/2023

14/03/2023

X 

Jane Colley

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council