PlanningDesign
PLANNING | ARCHITECTURE | HERITAGE

Planning, Design & Access Statement

The change of use of an agricultural building to a dwellinghouse

at

Barnes Lea Farm, Reacliffe Road, Rushton Spencer, Staffordshire, SK11 0QZ

March 2023

Document Control Sheet

Client	Mr Julian Goodwin
Project Reference	3789
Project Lead	Andrew Stock (AS)
Team Members	Richard Pigott (RP)

Version	File Name	Description	Prepared	Checked	Date
01	3789_PDAS_V1	Planning, Design & Access Statement	AS	RP	17/3/23

Produced by:

Planning & Design Practice Ltd
3 Woburn House
Vernon Gate
Derby
DE1 1UL

www.planningdesign.co.uk

Table of Contents

1 INTRODUCTION 3
2 SITE DESCRIPTION AND PLANNING HISTORY 4
3 THE PROPOSED DEVELOPMENT 4
4 PLANNING POLICY CONTEXT 9
5 KEY PLANNING ISSUES 23
6 CONCLUSION 28

1 INTRODUCTION

1.1 Planning & Design Practice is a town planning and architectural design consultancy consisting of Chartered Town Planners and an architectural design team. The practice operates across England and Wales and, with over 60 years of combined experience in the team, the company has a long track record of success.

1.2 We have been instructed by Mr Julian Goodwin (the 'Applicant') to prepare and submit a full planning application for the change of use of an agricultural building at Barnes Lea Farm, Rushton Spencer to form a single dwellinghouse with associated building works following Class Q approval (application ref: DET/2022/0026 and appeal ref: APP/B3438/W/22/3307380) for the conversion of the building to a dwelling in February 2023.

1.3 This statement is laid out so as to provide an introduction to the site and its planning history; details of the proposed development; rationale for the proposed development; and an examination of the key planning issues to be considered.

1.4 Also submitted to accompany the application are the following:

- Site Location Plan;
- Block Plan;
- Plans and Front Elevation as Existing;
- Elevations and Section as Existing;
- Plans as Proposed; and
- Elevations & Section as Proposed.

2 SITE DESCRIPTION AND PLANNING HISTORY

Site Location

2.1 The application site lies within the open countryside (and Green Belt) to the south-west of Rushton Spencer and is a short distance to the west of Rudyard Lake. The site forms part of Barnes Lea Farm which is reached via a single track lane connected from Reacliffe Road, which extends past Rudyard Lake's North car park and onto Beat Lane, a C-class main road to the north.



Figure 1: *Aerial photograph showing the approximate location of the application site (edged red)*

2.2 The site comprises a modern steel portal framed agricultural storage building finished mostly with corrugated metal/fibre cement sheeting above a blockwork base but with one wall being mostly timber clad.

2.3 The subject barn is on the east side of the grouping of farm buildings which includes a stone listed farmhouse to the west. The complex of farm buildings is surrounded by open land.



Figure 2: *Photographs of the existing agricultural building*

Relevant Planning History

DET/2022/0026	Change of Use of Agricultural Buildings to one Dwellinghouse (Use Class C3) – REFUSED, 11th August 2022. Appealed: APPEAL ALLOWED (ref: APP/B3438/W/22/3307380), dated 9th February 2023.
DET/2022/0001	Proposed Barn Conversion into a Residential Dwelling, Agricultural Prior Notification – REFUSED, 2nd March 2022.
SMD/2020/0392	Conversion of redundant barn to residential – APPROVED, 16th October 2020.
SMD/2016/0390	Listed building Consent for conversion of barns to 3 residential units (amendments to planning permissions SMD/2014/0706 and SMD/2014/070) to include change of use of part of implement store at ground and first floor

	level to residential, alterations to elevations and extension of domestic curtilages – APPROVED, 5th September 2016.
SMD2016/0389	Conversion of barns to 3 residential units (amendments to planning permissions SMD/2014/0706 and SMD/2014/070)to include change of use of part of implement store at ground and first floor level to residential, alterations to elevations and extension of domestic curtilages – APPROVED, 5th September 2016.
SMD/2011/0708	Conversion of use of barn to create holiday letting accommodation – APPROVED, 28th August 2011.
SMD/2010/0723	Change of use of barn to holiday accommodation – REFUSED, 4th November 2010.

3 THE PROPOSED DEVELOPMENT

3.1 Planning permission is sought for the change of use of an agricultural building at Barnes Lea Farm, Rushton Spencer to form a single dwellinghouse with associated building works, as illustrated on the submitted plans.

3.2 The application is accompanied by a full set of detailed floor plans and elevations which depict a sensitive conversion which would retain much of the existing building's agricultural character in terms of shape, form and appearance.

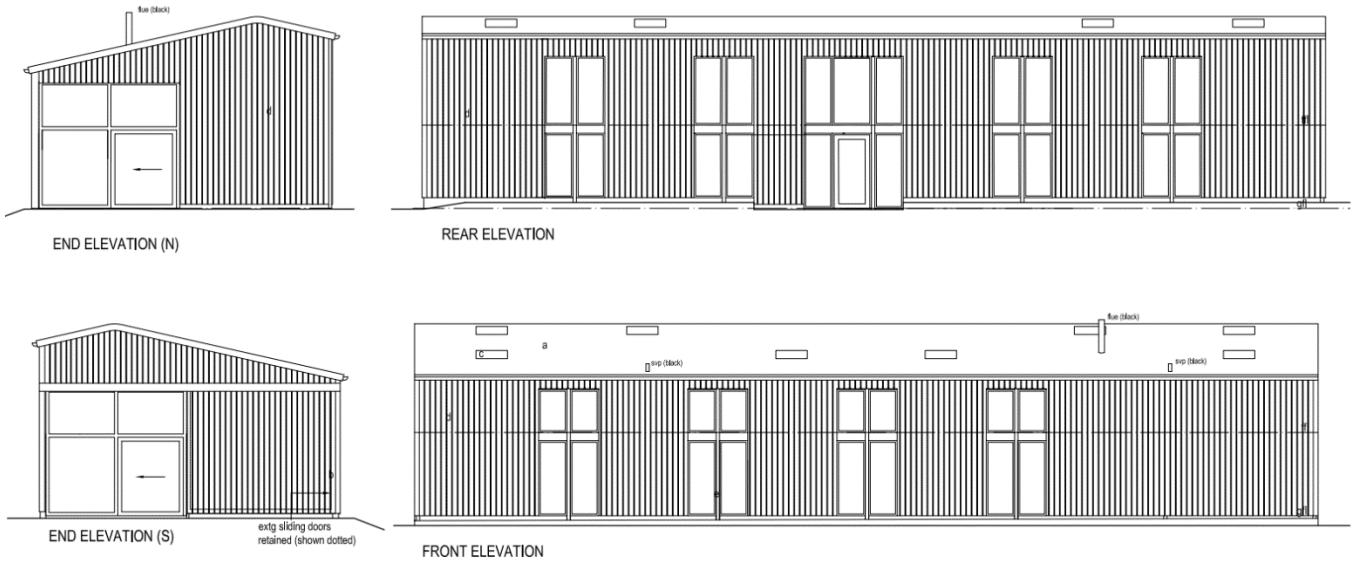

Figure 3: *Proposed Elevations*

3.3 The application proposes a limited number of external alterations including the installation of windows, rooflights and an air source heat pump system. A modestly resized residential curtilage is proposed around the building.

3.4 Externally, the proposed design will not appear significantly different from the Class Q approval (application ref: DET/2022/0026 and appeal ref: APP/B3438/W/22/3307380). The design and external appearance of the building would continue to retain the original character of the building, making use of the existing steel frame for conversion and maintaining existing openings. The ridge and eaves height of the building would predominantly remain unchanged.

3.5 The proposed development provides an opportunity for a more comprehensive and coherent conversion, lees constrained by the strict parameters of Class Q. The conversion would see the

existing exterior cladding (corrugated metal sheeting, fibre cement sheeting, timber boarding and concrete blockwork) removed and replaced with more energy efficient exterior wall and roof cladding, as detailed on the accompanying plans.

3.6 The dwellinghouse would be accessed via the existing agricultural access directly off Reacliffe Road and parking for up to 4 no. vehicles would be provided for the house within the proposed residential curtilage.

4 PLANNING POLICY CONTEXT

4.1 The purpose of this section is to set out the relevant planning policy background which is pertinent to the site and proposed development, as well as identifying any key studies or reports which will assist in the determination of this application.

4.2 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

4.3 In this case the development plan consists of the Adopted Staffordshire Moorlands Local Plan (2020). Other material considerations include the National Planning Policy Framework (2021) and associated Planning Practice Guidance and the Environment Act (2021).

Staffordshire Moorlands Local Plan (2020)

4.4 The Local Plan was adopted on 9th September 2020 and sets out the council's vision and strategy for the District until 2033. It sets out the proposed locations for development, and policies which will be used in determining planning applications. The pertinent policies to this application are:

Policy S11: Development Principles – *"The Council will expect the development and use of land to contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands in terms of delivering, in partnership with other agencies and services:*

- *a mix of types and tenures of quality, affordable homes, to meet the needs and aspirations of the existing and future communities*
- *quality local services, including provision for education, healthcare, leisure, community, cultural and tourist facilities in response to anticipated population change and visitor numbers;*
- *easy access to jobs, shops and transport services by all sections of the community;*
- *increased economic prosperity and opportunities for employment and greater local capacity with an educated, skilled and flexible workforce;*

- *a healthy, safe, attractive, active, well-designed and well-maintained environment;*

- *development which maintains the locally distinctive character of the Staffordshire Moorlands, its individual towns and villages and their settings;*

- *development that is undertaken in a way that protects and enhances the natural and historic environment of the District and its surrounding areas, including the Peak District National Park, both now and for future generations.*

- *support development which secures high quality, sustainable environments, efficient and effective use of resources and contributes effectively to tackling climate change and reduced carbon emissions.*

All proposals for development will be considered in the context of the District-wide Spatial Strategy and with regard to both its direct and indirect cumulative impact over the longer term. New development will make effective use of land and the best use of previously developed land and buildings."

4.5 **Policy S2: Settlement Hierarchy – "*Towns*** *– these are the largest settlements comprising of Leek, Biddulph and Cheadle which accommodate half of the District's population and the majority of the District's services and facilities. The spatial strategy seeks to focus future growth in these settlements and to strengthen their role as service centres. These settlements will be defined by a Development Boundary.*

Rural Area Larger Villages *– these are the most sustainable settlements in the rural areas which generally have a good local social infrastructure, some local employment opportunities and good accessibility to the towns and larger centres. These villages also have an important role in terms of serving and supporting their immediate surrounding rural areas and smaller villages. The spatial strategy focuses the bulk of the rural development in these settlements and seeks to ensure that they are sustained and promoted as service centres. These settlements will be defined by a Development Boundary. It is recognised that there is a significant range amongst these villages in terms of their size and facilities and it is proposed therefore that the scale of development in each area should be relative to their current size and infrastructure capacity.*

Rural Area Smaller Villages *– these villages generally have a poor range of services and facilities and it is often necessary for local residents to travel outside the village for most of their daily needs. Development on a large scale would be unsustainable in these villages, as it is will generate a disproportionate number of additional journeys outside the village and may undermine the spatial strategy. However, it is recognised that these settlements have a limited role in meeting the development requirements for the District which may assist in maintaining the vitality of the smaller villages. These settlements are not defined by a Development Boundary and only limited development of an appropriate nature will be allowed. Where relevant, Green Belt policy will also apply.*

Other Rural Areas *– this comprises the open countryside where development is normally unacceptable and green belt where further development is generally inappropriate. Within these areas there are some groups of houses and hamlets which are not identified as 'smaller villages' because of their predominantly open character and loose-knit nature. They also contain major developed areas which may be suitable for appropriate development or redevelopment."*

4.6 **Policy SS10: Other Rural Areas Strategy** – *"The other rural areas comprise the countryside and the green belt outside of the development boundaries of the towns and larger villages and the open countryside surrounding the smaller villages.*

These areas will provide only for development which has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside. The Council and its partners will achieve this through the following actions:

1. *Meet housing requirements and specific needs by:*

    - *Restricting new build housing development in the countryside to that which has an essential need to be located in the countryside in accordance with Policy H 1; Allowing the conversion or replacement of an existing rural building in accordance with Policy H 1;*

    - *Allowing extensions or additional domestic outbuildings to existing dwellings provided they are appropriate in scale and design and do not have a detrimental impact on the existing dwelling and the character of the rural area. The Council*

will assess schemes having regard to the original dwelling, in cases where cumulative change has occurred;

- *Allowing suitable development which would secure the future conservation of a heritage asset in accordance with Policy DC 2;*

- *Allowing rural exceptions housing (in accordance with Policies H 1 and H 3);*

- *Allowing community facilities where that need cannot be met in a settlement within the hierarchy. In such cases the development should be in a sustainable location close to an existing serviced settlement.*

2. *Sustain the rural economy by:*

- *Enabling the limited expansion or development of business for employment uses where a rural location can be justified*

- *Supporting the diversification of existing farm enterprises*

- *Supporting the development of appropriate ICT and new means of communications to enable homeworking and small businesses reliant on e-technology;*

3. *Enhance and conserve the quality of the countryside by:*

- *Giving priority to the need to protect the quality and character of the area and requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape;*

- *Limiting uses which generate a substantial number of regular trips in areas that are not well served by public transport;*

- *Ensuring renewable energy schemes are of an appropriate scale, type and location; Recognising and conserving the special quality of the landscape in the Peak District National Park (in accordance with Policy DC 3);*

- *Encouraging measures which protect and enhance the biodiversity, geological resources and heritage of the District.*

4. *Regenerate underused major developed areas in the countryside including:*

    - *Bolton Copperworks, Froghall and Anzio Camp, Blackshaw Moor (in accordance with policies DSR 5 and DSR 6).*

    - *Development of these areas shall be complementary to and not undermine the role of the towns and larger villages nor shall it undermine wider strategic objectives. It shall also avoid or minimise environmental impacts and congestion and safeguard and enhance natural and cultural assets.*

    - *Facilitating the appropriate redevelopment of other major developed areas where the proposed development brings positive benefits to the area and any resultant environmental or highways concerns could be adequately addressed and minimised. Such proposals will be expected to provide supporting information that demonstrates clearly that the redevelopment will complement the overall development strategy for the District.*

5. *Enhance tourist opportunities by:*

    - *Supporting sustainable tourism developments and measures in the Churnet Valley in accordance with Policy SS 11 and the Churnet Valley Masterplan SPD;*

    - *Allowing for small-scale tourism developments in other areas (in accordance with policy E 4); Establishing strong linkages between recreational and tourist resources;*

    - *Recognising and developing the close linkages to the Peak District National Park.*

6. *Maintain the Green Belt within Staffordshire Moorlands. Strict control will continue to be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government policy.*

Any development proposal that might have the potential to affect a European or Ramsar Site must itself be subject to appropriate assessment."

4.7 **Policy DC1: Design Considerations** – *"All development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD. In particular, new development should:*

1. be of a high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the character of the area;

2. be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance;

3. create, where appropriate, attractive, active, functional, accessible and safe public and private environments which incorporate public spaces, green infrastructure including making provision for networks of multi-functional new and existing green space (both public and private), landscaping, public art, 'designing out crime' initiatives and the principles of Active Design;

4. incorporate sustainable construction techniques and design concepts for buildings and their layouts to reduce the impact of the development;

5. protect the amenity of the area, including creation of healthy active environments and residential amenity, in terms of satisfactory daylight, visual impact, sunlight, outlook, privacy, soft landscaping as well as noise, odour and light pollution;

6. promote the maintenance, enhancement, restoration and re-creation of biodiversity and geological heritage, where appropriate;

7. provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use;

8. require new developments to be well integrated for car, pedestrian and cycle use as well as other sustainable transport links;

9. ensure that existing drainage, waste water and sewerage infrastructure capacity is available, and where necessary enhanced, to enable the development to proceed;

10. ensure, where appropriate, equality of access and use for all sections of the community;

11. be served by high speed broadband (>30mbps) unless it can be demonstrated through consultation with Next Generation Access Network providers that this would not be possible, practical or economically viable. In all circumstances during construction of the site sufficient and suitable ducting should be provided within the site and to the property to facilitate ease of installation at a future date."

4.8 **Policy DC3: Landscape and Settlement Setting –** *"The Council will protect and, where possible, enhance local landscape and the setting of settlements in the Staffordshire Moorlands by:*

1. Resisting development which would lead to prominent intrusion into the countryside or have a significant adverse impact on the character or the setting of a settlement or important views into and out of the settlement as identified in the Landscape and Settlement Character evidence;

2. Supporting development which respects and enhances local landscape character and which reinforces and enhances the setting of the settlement as identified in the Landscape and Settlement Character evidence;

3. Supporting developments which conserve or enhance the biodiversity qualities of any natural or man-made features within the landscape, such as trees, woodlands, hedgerows, walls, watercourses or ponds;

4. Supporting opportunities to positively manage the landscape and use sustainable building techniques and materials which are sympathetic to the landscape;

5. Ensuring that development does not adversely affect the wider setting of the Peak District National Park."

4.9 **Policy H1: New Housing Development** – *"1) New housing development should provide for a mix of housing sizes, types and tenure including a proportion of affordable housing as set out in Policy H 3,*

and where appropriate housing for special groups, to meet the needs and aspirations of the current and future population having regard to the Area Strategies.

2) In line with Government legislation the Council will maintain and update a register of those interested in acquiring self-build / custom-build housing plots across the District. Where a demand exists, residential developments of 10 dwellings (or 0.5ha) or more will make an appropriate contribution towards this need in agreement with the Council. This will be negotiated on a case by case basis.

3) All development will be assessed according to the extent to which it provides for high quality, sustainable housing and to which it meets identified housing needs, having regard to the location of the development, the characteristics of the site and the economics of provision.

In addition:

a) Housing for special groups, particularly for older people and others as identified in the SHMA or successor document should be of a scale and in a location which is appropriate to its needs.

b) Housing proposals of 10 dwellings (or 0.5ha) or more will be required to provide a mix of housing in terms of size, type and tenure on the site unless viability or other circumstances exist. The final mix will be negotiated with the developer based on housing needs as informed by the SHMA or successor document and other relevant factors such as available supply and market demand.

c) All housing development should be at the most appropriate density compatible with the site and its location, and with the character of the surrounding area. Higher densities will generally be appropriate in locations which are more accessible by public transport and which have good access to services.

d) All new dwellings should aim to provide flexible accommodation which is capable of future adaptation by seeking to achieve adequate internal space for the intended number of occupants in accordance with the Nationally Described Space standard and delivered to meet accessibility standards set out in the Optional Requirement M4(2) of Part M of the Building

Regulations. This will be determined on a site-by-site basis subject to considerations such as viability and design.

e) All new dwellings must be of sufficient size to provide satisfactory levels of amenity for future occupiers of the dwellings whilst respecting the privacy and amenity of occupiers of existing dwellings.

4) Housing development on sites not allocated for such purposes in Policy H 2 will be supported as follows:

a) Within the development boundaries of the towns and larger villages, residential development and development on unidentified (windfall) sites will be permitted, subject to compliance with the Spatial Strategy and wider Local Plan policies

b) Outside of the development boundaries, limited infill residential development of an appropriate scale and character for the Spatial Strategy will be supported, provided that:

The development will adjoin the boundary of a larger village and be well related to the existing pattern of development and surrounding land uses,

or; The development is well related to the existing pattern of development of a smaller village and will not create or extend ribbon development or lead to sporadic pattern of development; and

c) In all cases the development will not lead to a prominent intrusion into the countryside or have a significant adverse impact on the character and appearance of the countryside.

5) In the other rural areas in the open countryside, only the following forms of housing development will be permitted;

a) Affordable housing which cannot be met elsewhere, in accordance with Policy H 3.

b) A new dwelling that meets an essential local need, such as accommodation for an agricultural, forestry or other rural enterprise worker, where the need for such

accommodation has been satisfactorily demonstrated and that need cannot be met elsewhere.

c) Proposals for replacement dwellings, provided they do not have a significantly greater detrimental impact on the existing character of the rural area than the original dwelling or result in the loss of a building which is intrinsic to the character of the area.

d) The conversion of rural buildings for residential use where the building is suitable and worthy in physical, architectural and character terms for conversion; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.

e) Proposals to redevelop previously developed land provided it is not of high environmental value.

f) The subdivision of an existing residential dwelling provided it is not in an isolated location.

6) When development is located in the Green Belt, national Green Belt Policy will apply.

The Council will closely monitor the delivery of residential windfall sites and affordable housing to ensure that it is meeting expected levels."

National Planning Policy Framework (2021)

4.10 The National Planning Policy Framework (NPPF) is the Government's overarching planning guidance document. The revised NPPF was published in July 2021, relevant paragraphs include:

4.11 Paragraph 7 – *"The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection".*

4.12 Paragraph 8 – *"Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed, beautiful and safe spaces, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, helping to improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy".

4.13 Paragraph 11 – *"Plans and decisions should apply a presumption in favour of sustainable development… For decision-taking this means:... c) approving development proposals that accord with an up-to-date development plan without delay…".*

4.14 Paragraph 74 – *"Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.*

The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

a) 5% to ensure choice and competition in the market for land; or

b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan40, to account for any fluctuations in the market during that year; or

c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply."

4.15 Paragraph 76 – *"To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under delivery and identify actions to increase delivery in future years."*

4.16 Paragraph 104 – *"Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*

a) the potential impacts of development on transport networks can be addressed;

b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;

c) opportunities to promote walking, cycling and public transport use are identified and pursued;

d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and

e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high-quality places".

4.17 Paragraph 111 – *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".*

4.18 Paragraph 119 – *"Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions."*

Environment Act (2021)

4.19 The Environment Act (2021) is the Government's main provision about targets, plans and policies for improving the natural environment; for statements and reports about environmental protection; for the Office for Environmental Protection; about waste and resource efficiency; about air quality; for the recall of products that fail to meet environmental standards; about water; about nature and biodiversity; for conservation covenants; about the regulation of chemicals; and for connected purposes.

4.20 The Act was published in November 2021 and will come into effect in late 2023.

Other material planning considerations

4.21 The Court of Appeal in the case of 'Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314' (Appendix A) clarified when a 'fallback' development may be a material planning consideration for an alternative development scheme.

4.22 The challenge by the appellant concerned whether there was a 'real prospect' of development under the Class Q General Permitted Development Order (GDPO) rights on the lack of contemporaneous evidence that the landowner had contemplated such development.

4.23 The planning application had sought to demolish the existing agricultural buildings on site and erect 4 new dwellings. The buildings which were proposed to be demolished were arguably of a higher quality than those at Field House Farm. Lindblom LJ confirmed the legal considerations in determining the materiality of a fallback position as a planning judgement were:

> *"the basic principle is that for a prospect to be a "real prospect", it does not have to be probable or likely: a possibility will suffice; there is no rule of law that, in every case, the "real prospect" will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner*

or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case in hand."

4.24 Lindblom LJ then concluded that the clear desire of the landowner to develop and maximise the value of the site was sufficient to demonstrate there was a real prospect to the Class Q GPDO fallback position in this case. Therefore, the Council made no error in law in giving material weight to the fallback position.

5 KEY PLANNING ISSUES

5.1 The key issues regarding the proposal have been identified as follows:

1. The principle of the development, when having regard to extant permissions and recent case law;

2. The impact on the character and appearance of the countryside; and

3. Impact on neighbouring land uses.

The principle of development, when having regard to extant permissions and recent case law

5.2 Class Q deals with the conversion of agricultural buildings to residential use and is conditional on a Prior Approval procedure being followed. The permitted development right for Class Q does not apply a test in relation to sustainability of location, however it will assess whether the change to residential use would be impractical or undesirable.

5.3 As set out in the appeal decision at Paragraph 10, the building benefits from the Permitted Development rights, as set out under Class Q, Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which grants permission for agricultural buildings to be converted to dwellinghouse.

5.4 The proposed development now seeks full planning permission for the change of use of the existing agricultural building to form a single dwellinghouse as well as the associated conversions works that would fall out outside of the scope of Class Q legislation. The associated conversion works would see all existing exterior cladding (corrugated metal sheeting, fibre cement sheeting, timber boarding and concrete blockwork) removed and replaced with more energy efficient exterior wall and roof cladding, as detailed on the accompanying plans.

5.5 The Mansell case referred to above confirms that the approval granted under Class Q (application ref: DET/2022/0026) should be a material consideration in an application for alternative development as it represents a legitimate *fallback position* for residential development. There are clear comparisons between the Mansell case and the proposed development, albeit this proposal would retain the skeletal frames of the existing buildings rather than wholesale demolition and

rebuild. It is considered that the resulting development would be significantly more sustainable than the previously approved scheme. Other significant benefits are set out further within this statement.

5.6 The application should be assessed in the context of a realistic fallback position where, in planning terms, the existing building can be converted to form a single unit following the approval of application ref: DET/2022/0026, via appeal (ref: APP/B3438/W/22/3307380) on the 9th February 2023.

5.7 Therefore, when having regard to the Court of appeal decision and the benefits which the proposed scheme would deliver over the fallback scheme, it is considered that the principle of development is acceptable, in this case.

Impact on the character and appearance of the countryside

5.8 The application proposes a number of external alterations including the installation of windows, and rooflights. However, externally the proposed designs are not significantly different from the Class Q approval. A modestly resized residential curtilage is proposed around the building.

5.9 It is considered that the proposed alterations appropriately uphold the character and appearance of the existing building, with the footprint of the building remaining unchanged. The replacement of all existing external cladding with vertical timber boarding is considered to be an improvement on the appearance of the conversion, whilst also respecting the agricultural character of the original building. As confirmed by the Planning Inspector in reaching their decision, timber cladding is a material that is typically used in rural buildings, and by replacing areas that are currently clad in corrugated sheeting with a matching timber finish, would result in a building with a more consistent, unified external finish.

5.10 It is considered that the proposed quasi-agricultural contemporary design concept would, overall, appropriately uphold the character and appearance of the existing building.

5.11 The proposed contemporary design concept in the formation and finishes proposed is considered to respond well to the immediate context, being closely associated with applicant's other traditional barn conversions which have been sensitively converted.

5.12 Overall, the proposed development is considered to be a complementary and contemporary addition to this part of the countryside which would not have an adverse impact on the character and appearance of the countryside, in accordance with policies DC1 and DC3 of the Adopted Staffordshire Moorlands Local Plan (2020) and the relevant parts of the National Planning Policy Framework (2021).

Impact on neighbouring land uses

5.13 The application site and subject building are situated in a relatively tranquil area remote from noise generating uses. The proposed dwelling is sufficiently distant from other residential properties (including holiday lets) to avoid causing any unacceptable impacts upon the amenities enjoyed by their occupiers.

5.14 Through careful fenestration the proposed dwelling would not result in any direct overlooking between occupants of neighbouring dwellings and the proposed dwelling. The proposed development is not considered to result in in a significant loss of privacy or amenity for the occupants of neighbouring properties and therefore is compatible with neighbouring land uses.

5.15 When having regard to the existing residential uses on site the location and siting of the building does not raise any issues in terms of the residential amenities.

Other Matters

Transport and highway impacts

5.16 The dwellinghouse would utilise the existing residential/agricultural access directly off Reacliffe Road. Officers have previously determined (application refs: DET/2022/0001 and DET/2022/0026) that the proposal would not lead to any traffic or highway safety problems and that the lane leading to the site can accommodate the predicted small increase in vehicle movements without harming highway safety.

5.17 There is sufficient space within the application site to provide suitable on-site parking and manoeuvring space for the proposed dwelling. It is considered that the proposed development does not raise any significant highway or pedestrian safety issues.

Impact on biodiversity

5.18 It has been advised that the agricultural building has very limited potential for bat roosting opportunities due to the corrugated roof, blockwork walls and open timber slatted nature of the building. As such, it is unlikely that bats or barn owls will present a constraint on the proposed development.

5.19 When having regard to the existing permission, it has been advised that a protected species survey would be disproportionate in this instance. Therefore, subject to the inclusion of statutory ecological advisory notes, the proposed development is unlikely to adversely impact on protected species within and around the site.

Climate Change mitigation measures

5.20 The building will incorporate a sustainable approach to energy conservation through the conversion process. CO_2 emission saving and general energy saving strategies will be adopted throughout. The building's envelope will be designed and converted to exceed current Building regulations guidance in terms of low air permeability and high thermal insulation. Internal lighting systems will be highly energy efficient, predominantly using low energy fittings.

5.21 The materials used in the construction of the building will, as far as reasonably practicable, be sourced in an environmentally responsible way and as far as possible have a low carbon impact over the life of the buildings. Primary heating would be provided by an air source heat pump system.

5.22 When having regard to the above measures, the development, in terms of its construction, design and materials will help minimise the effects of the new development on the environment, in accordance with policy SS1 of the Adopted Staffordshire Moorlands Local Plan (2020) and the relevant parts of the National Planning Policy Framework (2021).

Flooding risks

5.23 The Environment Agency's flood maps show the site as being within Flood Zone 1 where there are no significant or unacceptable risks to residential development from river flooding. The development would not materially increase flood risk within the locality as the buildings are existing features that drain to existing surface water systems.

5.24 Officers have previously determined (application refs: DET/2022/0001 and DET/2022/0026) that the site is not in a flood plain and does not appear to be affected by any localised flooding as it is on raised ground a safe distance from the lake.

6 CONCLUSION

6.1 Planning permission is sought for the change of use of an agricultural building at Barnes Lea Farm, Rushton Spencer to form a single dwellinghouse with associated building works, as illustrated on the submitted plans.

6.2 The application must be considered in the context of a realistic fallback position where, in planning terms, the existing building can be converted under Class Q to a dwelling following the approval of application ref: DET/2022/0026 on 9th February 2023.

6.3 The external alterations to the building in this scheme have been sensitively designed to respect the agricultural character of the existing building and its rural surroundings to provide a functional but attractive internal living environment. The proposed development would not unacceptably impact upon the safe or efficient use of the highway network and would not increase flood risk. The proposed dwelling is not situated in close proximity to any other uses which are incompatible with the proposed residential use.

6.4 This statement has demonstrated that the proposed development constitutes a sustainable form development and that there are no adverse impacts as a result of the development that would significantly and demonstrably outweigh the benefits of providing additional housing in this rural area.

6.5 For the reasons given above, it respectfully requested that planning permission should be granted without delay.

PlanningDesign

PLANNING | ARCHITECTURE | HERITAGE

Planning & Design Practice Ltd

www.planningdesign.co.uk

info@planningdesign.co.uk

Tel: 01332 347371

Derby
3 Woburn House
Vernon Gate
Derby
Derbyshire
DE1 1UL

Matlock
Cromford Creative
Cromford Mills
Mill Lane, Cromford
Matlock
DE4 3RQ

Macclesfield
Waters Green House
Waters Green
Macclesfield
Cheshire
SK11 6LF

Sheffield
32 Gilbert Street
Park Hill
Sheffield
S2 5PN