CONVERSION OF PART OF AN AGRICULTURAL BUILDING, MERIDIAN FARM, BRADNOP, ST13 7EX

SUPPORTING STATEMENT

June 2023

KERNON
COUNTRYSIDE CONSULTANTS LIMITED

CONVERSION OF PART OF AN AGRICULTURAL BUILDING, MERIDIAN FARM, BRADNOP, ST13 7EX

SUPPORTING STATEMENT

June 2023

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Structural Survey by David Smith Associates (May 2023)

1 INTRODUCTION

1.1 The General Permitted Development Order 2015 (GPDO), as amended, permits the conversion of an agricultural building, and any land within its curtilage into a dwellinghouse. The development must follow a prior determination process to allow the Council to decide whether or not it requires to give its prior approval to discrete aspects of the proposals.

1.2 Class Q is divided into two parts:

- Class Q (a) permitting the change of use;
- Class Q (b) permitting the change of use together with the building operations reasonably necessary to bring about the conversion.

1.3 This application is made under Class Q (b) for the change of use together with the building operations reasonably necessary to bring about the conversion.

1.4 A prior approval application (DET/2022/0035) was submitted in August 2022 for this site for a similar proposal, conversion of the mezzanine into a dwelling. The application was refused in November 2022, see **Appendix KCC1**. The reasons for refusal were narrow and specific. To overcome the refusal, the following is required:

- evidence of structural suitability;
- increased window size in the living room;
- information about air quality and farm noises.

1.5 This Supporting Statement:

(i) describes the GPDO permitted development rights in Section 2;
(ii) describes the building and the proposals in section 3;
(iii) sets out how the previous reasons for refusal have been overcome in section 4;
(iv) assesses the proposals against the Q.1 considerations in section 5;
(v) and against the discretionary Q.2 considerations in section 6;
(vi) ending with conclusions in section 7.

1.6 The proposal is to convert only a modest part of the building, comprising a first floor mezzanine, into a modest single dwelling.

2 PERMITTED DEVELOPMENT RIGHTS

2.1 Permitted development rights to convert agricultural buildings to dwellings are contained in Class Q of Part 3 of Schedule 2 of the General Permitted Development Order 2015 (the GPDO), as amended. Some guidance on the application of these right is given in the National Planning Practice Guidance Suite (NPPG), as amended

2.2 Class Q permitted development is defined as development consisting of:

"**(a) a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or**

(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule".

2.3 This application is made under Class Q (b).

2.4 There are limitations, set out in Q.1. Development is <u>not</u> permitted where:

(a) the site was not used solely for an agricultural use as part of an established agricultural unit on 20th March 2013 or, if not in use on that date, when it was last in use;

(b) in the case of a larger dwellinghouse, within an established agricultural unit, the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse(s) under Class Q exceeds 465 square metres;

(c) in the case of a smaller dwellinghouse within an established agricultural unit, the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or the floorspace of any one separate smaller dwellinghouse exceeds 100 square metres;

(d) the development together with any previous development under Class Q within an established agricultural unit would result in either or both of the following:
- a larger dwellinghouse(s) having more than 465 square metres of floor space;
- the cumulative number of separate dwellinghouses exceeding 5;

(e) the site is under an agricultural tenancy, unless the tenant agrees;

(f) a tenancy has recently been terminated;

(g) any Class A(a) or B(a) permitted development under Part 6 of Schedule 2 (agricultural buildings) has taken place on the unit since 20th March 2013;

(h) the external dimensions of the building would extend beyond the external dimensions of the existing building at any point;

(i) the works would consist of building operations other than the installation or replacement of windows, doors, roofs or external walls reasonably necessary to convert the building;

(j) the site is on Article 2 (3) land;

(k) the site forms part of a site of special scientific interest, is a safety hazard area or a military explosives storage area;

(l)+(m) the building is a listed building or the site contains a scheduled monument.

2.5 Class Q (b) development is permitted subject to the condition that the developer shall apply to the local planning authority for a determination as to whether the prior approval of the local planning authority is required for one or more of seven distinct considerations:

(a) transport and highway impacts;

(b) noise impacts;

(c) contamination risks on the site;

(d) flooding risks on the site;

(e) whether the location or siting makes it otherwise impractical or undesirable for the use to change to Class C3;

(f) the design or external appearance of the building;

(g) the provision of habitable natural light in all habitable rooms of the dwellinghouse.

2.6 The provisions of Paragraph W apply. These govern the prior determination process. The Council's determination is governed by Paragraph W. Paragraph W10(b) permits the local planning authority to 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**."

2.7 The National Planning Practice Guidance suite complementary guidance makes clear that, in respect of Class Q:

(i) the maximum number of homes that can be created relates to development under Class Q not the total number of dwellings on the holding (para 104);

(ii) "**the permitted development right does not apply a test in relation to sustainability of location"**, paragraph 108 advises. The guidance goes on to note that the right recognises that many agricultural buildings will not be in village locations or able to rely upon public transport. The local authority can however consider whether the location and siting of the building would make it impractical or undesirable to change the use to a dwellinghouse;

(iii) and what is meant by the concept of impractical or undesirable. It cites, as an example of undesirable, where a building is "**adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals**".

2.8 Paragraph 105 was amended on 15th June 2018. This makes clear that the permitted development right permits building operations "**which may include those which would affect the external appearance of the building and would otherwise require planning permission**". This includes the installation of "**windows, doors, roofs, exterior walls**" and services. It is not intended to permit works which would go beyond what is reasonably necessary to convert the building to residential use.

2.9 Internal works, including to create a first floor, are explicitly permitted. The guidance notes that "**internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q**".

3 THE HOLDING, BUILDING AND PROPOSALS

3.1 Meridian Farm extends to 7.5 ha. The boundary is shown on the Google Earth image below.

Insert 1: Farm Boundary



The Building

3.2 The building was allowed on appeal in May 2010 (appeal decision 2121589, **Appendix KCC2**), having been built at variance to a permitted scheme and then modified. It can be seen from the Inspector's decision that the holding was operating as an agricultural holding, and that the building was in agricultural use. There are no conditions that limit the use of the building beyond the description of an agricultural buildings.

3.3 The building was then refused in November 2022 (application reference DET/2022/0035, **Appendix KCC1**) for the conversion of the mezzanine into a dwelling. The reasons were down to whether the building was structurally sound, sufficient natural light to the sole living room, air quality and farm noises.

3.4 The building is shown in the photographs below. The building is as per the structure given consent in 2010.

Photo 1: The Building from the Northwest



Photo 2: The Building from the Southwest



Photo 3: The Building from the Southeast



Photos 4: The Building from the Northeast



3.5 Internally the northern part of the building has a mezzanine. This is a long-standing part of the structure and was described by the Inspector in 2010 (**Appendix KCC2**) in his report in paragraph 5. The mezzanine is shown below.

Photo 5 and 6: The Mezzanine





3.6 The mezzanine is accessed from the northern elevation, as shown below, across an existing bridge.

Photo 7: Entrance to Mezzanine



The Revised Proposals

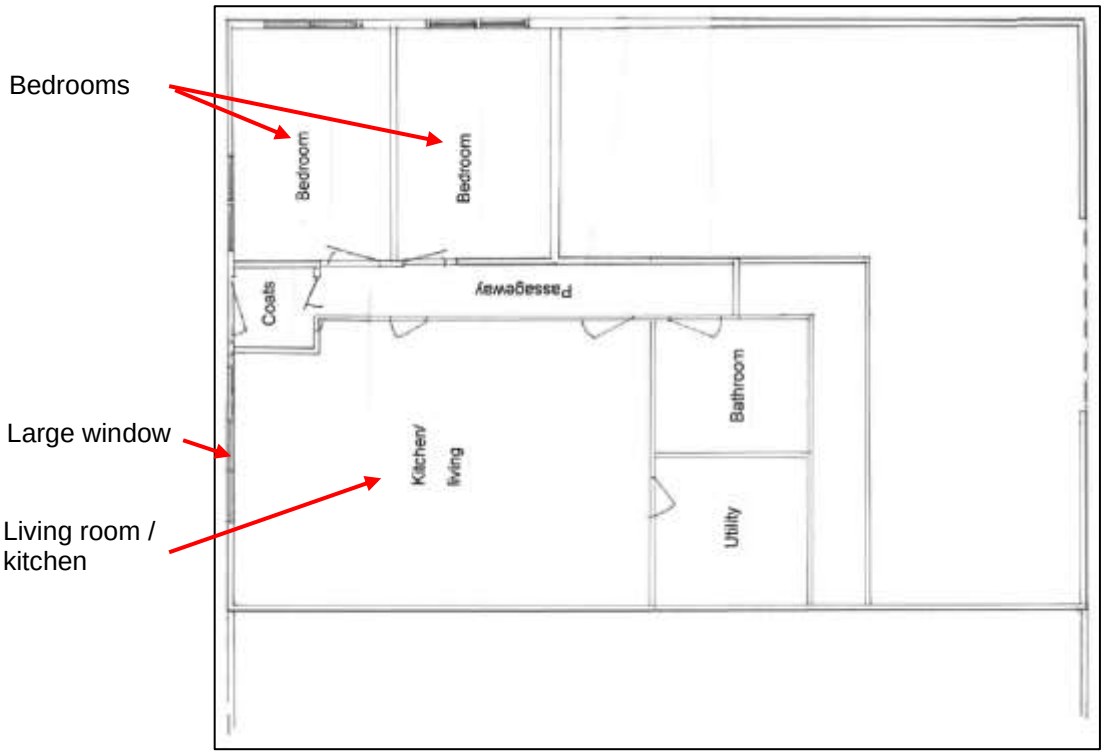
3.7 It is proposed to convert the mezzanine into a dwelling. The GPDO rules require that all main living rooms have adequate levels of light and ventilation, and accordingly it is important that the dwelling has exterior walls, at least for the principal living rooms.

3.8 The mezzanine in the northeast corner needs to be extended slightly to achieve this. The revised proposal has also increased window size in the living room, to overcome the previous refusal.

3.9 A structural survey has been undertaken to demonstrate that conversion is suitable. The report is submitted as part of this application. SEE THE STRUCTURAL REPORT BY DAVID SMITH ASSOCIATES.

3.10 The floorplan of the proposed development will look as follows, being an extract from the application plan.

Insert 2: Proposed Floorplan



3.11 The external elevations will be almost unaltered. They will change on two elevations only and are compared to the photographs below.

Photo 8 and Insert 3: North Elevation (existing) and Proposed Changes





Photo 9 and Insert 4: East Elevation (existing) and Proposed Changes





3.12 A description of the building works involved is set out in **Appendix KCC3**. It is clear that the works are those of conversion. They cannot be described as a new build or rebuild.

3.13 The curtilage will be kept modest and within the limited GPDO allowances. Parking will be provided in the yard where vehicles currently park. The small residential curtilage will be in the area shown below.

Photo 10: Proposed Curtilage



3.14 It is not relevant for a Class Q proposal, but as can be seen in the photograph below the building is not widely visible in the landscape.

Photo 11: View from the Gateway



3.15 The view back towards the building taken from a short distance east of the gateway is shown below. The section of building to be converted is on the left, mostly hidden.

Photo 12: View from East of the Gateway



3.16 Viewed from further east the building is equally well screened.

Photo 13: View from Further East



4 OVERCOMING THE REASONS FOR REFUSAL

Reason for Refusal

4.1 Planning reference DET/2022/0035 was refused for the following reasons:

(i) Fundamentally 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 owing to the proposed dwelling being sited within a larger building and located alongside a further attached building which would be in simultaneous active farm use with the attendant likelihood of noise and other disturbance such as malodorous and possibly harmful air circulation as a result of the presence of farm livestock and / or working machinery or other related activities.

(ii) It has not been shown and there is insufficient information to verify that the building which is evidently dilapidated and of uncertain material condition is capable of conversion to a safe dwelling house without significant re-building and this is outside the scope of Class Q.

(iii) The LPA is not satisfied that there would be sufficient natural light to the sole living room which is 8.5m to the rear from a modest north westerly facing window light source.

Correspondence to Clarify Reasons

4.2 The concern by the EHO that lead to RR1 is set out in **Appendix KCC4**, as set out in the case officer's email of 14th November 2022. The concerns identified relate to the potential for disease (faecal/animal's material), gases being produced by animals, and potential noise disturbance from animals.

4.3 An exchange took place regarding the structural integrity. See in particular KCC's letter of 21st November following the officer report on the previous application, asking about the concerns relating to "**a frame supporting apparently at an angle**" and timber cross members "**evidently sagging**". It was confirmed that no internal inspection of the building had been carried out. Evidence of structural integrity is needed, it has been advised.

4.4 In respect of an acceptable window size to overcome the concern, it was confirmed that there is no specified guidance beyond that set out in the GPDO which requires "**the provision of adequate natural light in all habitable rooms**". The Council has no guidance on what that means in terms of, say, sqm of window to sqm of floor area.

4.5 We wrote on 22nd November regarding a comment in the case officer's response of 21st November. We provided an appeal and explanation about the outer walls and asked if it was now accepted that the proposed works fell under Class Q.

4.6 We received no answer, and asked again on 3rd January 2023 and 6th February 2023, but no further response was provided. It must rightly be assumed, therefore, that the Council is not concerned about this issue otherwise the Council should have responded.

Addressing the Issues

4.7 To overcome these reasons for refusal, this application has been amended and additional information provided, as follows:

- structural survey;
- increased window size in the living room; and
- information about air quality and farm noises.

4.8 **RR1 Noise and Disturbance.** The Applicant owns the whole building. The Applicant keeps small numbers of poultry in the building at present, and for a few weeks he keeps some sheep inside during lambing.

4.9 Future use of the building will be entirely within the Applicants control. Therefore it is up to him if he worries about noise and smell.

4.10 None of the windows open into the rest of the building. Therefore "**noise and malodorous and possibly harmful air circulation**" referred to in the RR1 would need to have passed out of the building, circulated around the outside of the building, and then entered the proposed dwelling via open doors or windows. From the small number of non-odorous farm animals that is unlikely, so the concerns raised by the EHO can be assuaged.

4.11 Information about air quality and farm noises is supplied in **Appendix KCC5**. This explains that the building is used for small numbers of poultry, and for a few weeks of the year (only) for small numbers of sheep at lambing time. Neither poses a disease, gas or noise concern. However if this was a concern it can be overcome by one or more of the following:

(i) a condition linking occupation to management of the rest of the building;
(ii) a legal agreement linking ownership of the flat to the building;
(iii) a condition preventing animal use in the part of the building under the flat.

4.12 The attached information, plus a condition, should overcome RR1.

4.13 **RR2 Structural Integrity**, coupled with a question about the external walls.

4.14 The Class Q works matter is easily addressed. The section of walling forming a wall for the flat is made watertight by the addition of an extra plank. Behind this a waterproof membrane is added, then the wall insulated. This is shown below (being part of our own office conversion).

Inserts 5 and 6: Insulated Timber Yorkshire Boarding





4.15 The structural survey is submitted as part of this application. It has been carried out by David Smith Associates. The report describes the large steel stanchions and rafters, the purlins and mezzanine structure. The report confirms that there is no evidence "**of distortion or misalignment of the steel frame structure**" (3.1), the foundations (3.3) and mezzanine (3.4) were sound, as was the ground bearing slab (3.5). The building is suitable for conversion (4.1). Reason for Refusal (ii) is therefore overcome by extra structural evidence.

4.16 **RR3 Natural Light.** The third reason for refusal relates to the design of winows in the living room.

4.17 The proposed elevations and floorplan have been amended to show increased window size in the living room. There is no specification for window size, but the room is only 8.5m (26') deep and is being provided with a full height 3m wide picture window. Adequate light is provided. This overcomes Reason for Refusal (iii), by redesign to increase the available light.

5 CLASS Q.1 CONSIDERATIONS

5.1 This section sets out an analysis of the proposals against the requirements of the GPDO Q.1.

5.2 The proposal meets all the criteria of section Q.1, analysed as follows:

(a) the "**site**", which is defined as the building and any land within its curtilage (an area no bigger than the floor area of the building) was in agricultural use in 2013. These buildings were clearly and remain in agricultural use for related agricultural storage;

(b) – (d) as set out in section 3.10, the development will not exceed the tolerances for smaller and larger dwellings under Class Q. There will be one smaller dwelling not exceeding 465 sqm of floor space, and the total number of dwellings does not exceed five and the tolerances for each type of dwelling are not exceeded;

(e) the site is not and was not occupied under an agricultural tenancy;

(f) nor has an agricultural tenancy been terminated within the last year;

(g) no agricultural development under the GPDO Schedule 2 Part 6 Class A(a) has taken place on the holding since 20th March 2013;

(h) no buildings will be extended as part of the proposals;

(i) (considered below);

(j) the site is not within Article 2(3) land;

(k) the site is not within any of the part Q.1(k) designations;

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

(m) nor is the building listed.

5.3 Criterion (i) states as follows:

"**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 dwellinghouse; and

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

5.4 A detailed wall-by-wall analysis is set out in **Appendix KCC3**. In summary:

(i) on the southern elevation there are no changes;

(ii) on the western elevation there are no changes;

(iii) on the northern elevation the existing door will be replaced, two windows will be inserted and the ventilated cladding will be supplemented by additional timber cladding which will be indistinguishable from anything other than close range;

(iv) on the eastern elevation two windows will be inserted and the northern half of the cladding will be supplemented by additional timber to match.

5.5 The periodic Perspex rooflight sheets in the roof will be removed and replaced with solid sheets, but that will not be visible and is a work of repair that is needed in any event.

5.6 The works clearly comprise conversion works. They are not works of rebuilding. They are works of conversion.

5.7 Works for extension of a mezzanine are all internal and are explicitly permitted, see the PPG quoted in 2.9 above.

5.8 A handrail is shown on the footbridge, but that is not attached to the building and is not an extension. It is less than 2m tall and is not development caught by the prior determination.

6 CLASS Q.2 CONSIDERATIONS

6.1 The GPDO sets out a prior determination process allowing the Council to give its prior approval to the seven discretionary areas set out in Q.2(i)(a) to (g). These are considered as follows.

6.2 **Transport and Highway Impacts**. The conversion of part of this building will add to the traffic flow in and out of this active farm. However, this should not result in unacceptable highway problems. The visibility is good, as shown below.

Photos 14 and 15: Visibility from 2.4m Setback



6.3 There should be no highway or transport impacts requiring prior approval. There was no highway objection to the previous prior approval.

6.4 **Noise Impacts**. The building is located on an active farm. The creation of a single dwelling would not lead to the creation of a noise impact on any neighbouring land uses, which are some distance away.

6.5 The planning officer from the previous application (DET/2022/0035) states that **"the proposed dwelling being sited within a larger building and located alongside a further attached building which would be in simultaneous active farm use with the attendant likelihood of noise and other disturbance such as malodorous and possibly harmful air circulation as a result of the presence of farm livestock and /or working machinery or other related activities."**

6.6 Therefore further information on air quality and farm noises is produced in **Appendix KCC5**. This explains that the building is used for small numbers of poultry and for a few weeks small numbers of sheep at lambing time. Neither poses a disease, gas or noise concern. However if this was a concern it can be overcome by one or more of the following:

(i) a condition linking occupation to management of the rest of the building;

(ii) a legal agreement linking ownership of the flat to the building;
(iii) a condition preventing animal use in the part of the building under the flat.

6.7 **Contamination Risks**. There is no reason to suspect that there is any contamination risk within the buildings that would require the Council's prior approval or which could not be dealt with by condition. This was not a concern with the previous application.

6.8 **Flooding Risks**. The building is not within a Flood Zone 2 or 3 area. The Environment Agency Flood Risk report is in **Appendix KCC6**. Accordingly there should be no reason for the Council to require to give its prior approval on flooding issues. The proposed development is an upper storey within a building, on a hillside. This was not a concern with the previous application.

6.9 **Location or Siting**. The NPPG makes clear that there is no test in respect of the sustainability (or otherwise) of the location. The GPDO recognises that "**the permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely upon public transport for their daily needs**".

6.10 The prior approval on location and siting allows the local planning authority to give its prior approval if it considers the location is impractical or undesirable. Examples are given in the NPPG at paragraph 13-109-20150305:
(i) impractical because the building is on top of a hill with no access, power or services;
(ii) undesirable because it is next to uses such as intensive poultry farming buildings, silage storage or buildings with dangerous chemicals.

6.11 These examples do not apply to this building, which has access and some services. Accordingly there should be no reason for the local planning authority to require to give prior approval on this matter.

6.12 The dwelling will form a flat within the wider agricultural building. The building is used for periodic housing of poultry, small numbers of sheep at lambing time, farm machinery, fodder etc. The flat will be insulated for sound and proofed against fire. It will be occupied by the owners and farmers. There is no reason to resist the proposal on the grounds of undesirability. Any concerns could be addressed by the following condition:

"***The occupation of the dwelling hereby permitted shall be by persons responsible for the management of the agricultural activities in the rest of the building***".

6.13 Alternatively as set out in section 4 above, a legal agreement or other condition would overcome the concern. The occupier of the dwelling will also control what happens in the rest of the building, so there should be no concerns about odour or noise affecting residents.

6.14 **Design or External Appearance**. The design and external appearance is presented for approval, should that be needed. There was no concern about the design or appearance with the last application.

6.15 **The Provision of Natural Light**. The 2020 amendment to the GPDO requires that the provision of natural light be considered (Q2 (1) (g)). Part W (2), as amended, requires a plan showing the total floorspace of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations. These are provided on the revised application plans, which show increased window size in the living room. This should now overcome the previous reason for refusal.

7 CONCLUSIONS

7.1 This prior determination relates to the conversion of part of an agricultural building into dwellinghouses under use class C3. Such conversions are permitted development under the GPDO Schedule 2 Part 3 Class Q as amended.

7.2 Amendments and additional information has been supplied within this application to overcome the reasons for refusal within the previous application.

7.3 Therefore all the relevant parts of Class Q.1 are satisfied.

7.4 The Council's prior determination is invited to the six discrete considerations under Q (2) applications:

- there is no significant transport impact from dwellings on this site;
- there will be no noise impacts;
- there are no contamination risks on site;
- the site is not within a flooding risk area;
- the location is not near any intensive poultry buildings and is neither impractical nor undesirable;
- the design and appearance is acceptable.

7.5 A plan showing the natural light provision, as required by a recent amendment to the GPDO, is provided and should mean that the seventh prior approval criterion can be approved.

7.6 The Council's confirmation that this permitted development can proceed is therefore sought.

Appendix KCC1

Decision Notice DET/2022/0035

STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Miss Amy Curtis
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SN5 4LL

Mr Shufflebotham
Meridian Farm
Apesford Lane
Bradnop
Staffordshire
ST13 7EX

Application no: DET/2022/0035

Determined on: 17/11/2022

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

PRIOR APPROVAL REQUIRED FOR CHANGE OF USE

REFUSAL

Staffordshire Moorlands District Council hereby **REFUSE** approval under GPDO(2015) Schedule 2 Part 3 Class Q for the application to

Convert the mezzanine into a dwelling at Meridian Farm, Apesford Farm Apesford Lane Bradnop

in accordance with the submitted application, details and accompanying plans KCC 991 07, 08, 09, 10, 11, 12, 13A and 14

for the following reasons:-

1) Fundamentally 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 owing to the proposed dwelling being sited within a larger building and located alongside a further attached building which would be in simultaneous active farm use with the attendant likelihood of noise and other disturbance such as malodorous and possibly harmful air circulation as a result of the presence of farm livestock and / or working machinery or other related activities.
2) It has not been shown and there is insufficient information to verify that the building which is evidently dilapidated and of uncertain material condition is capable of conversion to a safe dwelling house without significant re-building and this is outside the scope of Class Q.

STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

3) The LPA is not satisfied that there would be sufficient natural light to the sole living room which is 8.5m to the rear from a modest north westerly facing window light source.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

DELEGATED DECISION REPORT

DET/2022/0035 **Valid 30/08/2022**	**MERIDIAN FARM,** **APESFORD FARM** **APESFORD LANE** **BRADNOP**	**CONVERT THE MEZZANINE INTO A DWELLING.** **(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

DESCRIPTION OF SITE

Pair of attached portal framed agricultural style buildings with timber side panelling and sheet roof showing signs of dilapidation and some makeshift repair. Perched on dipping valley-side slope of Coombes Valley some 50m from the road on slightly lower ground. Generally surrounded by fields.

There were no buildings and no development at this location in 2003 but the existing structures had appeared by 2006 based on publicly available air photo images.

In submissions the holding is stated to be 7.5ha (c.20 acres). From the site visit there was evidence of current agricultural activity with some sheep present and some baled fodder.

PROPOSAL

To convert a first floor area of part of one of the two adjacent attached barns to a dwelling. The northerly gable elevations of the barns are set into rising ground and an existing simple bridge structure gives access from adjacent ground level into an

existing internal mezzanine level in the area to be converted in one of the barns. Windows would be inserted on the northerly and easterly elevations.

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
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; 6 – Building a strong and competitive economy; 7 – Ensuring the vitality of town centres; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places; 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

07/00208/FUL_MJ – Change of use of agricultural building and land to mixed agricultural and equestrian use (including stud and breeding) – withdrawn

08/00156/FUL – Change of use of agricultural building and land to a mixed agricultural and equestrian use and retention of building as constructed – refused – dismissed on appeal

09/00881/FUL – Retention of agricultural building – refused – allowed on appeal 20th May 2010 [A copy of the appeal decision is attached as an appendix to the current application statement.]

CONSULTATIONS

Publicity

Site Notice expiry date: 20th October 2022
Neighbour consultation period ends: N/A
Press Advert: N/A

Public Comments
Objections have been received from the occupiers of Six Oaks Farm and from the occupier of The Smithy, Ballfields Farm. Concerns raised are:

- Landscape tree plant required following a 2010 appeal decision has not been implemented
- The site is untidy with two caravans, cars and various bits of agricultural machinery left rotting in the field
- only livestock are a small amount of sheep and no cows until recently
- no evidence that a full time agricultural business has been carried out on this site the gates are firmly locked at all times
- The area is open landscape and the present building seen from the road.
- The building is in a dilapidated condition surrounded by dumped vehicles and detritus, and detracts from the landscape
- Inspector in a 2008 appeal decision found the site prominent and the then development harmful
- Noise impacts over the valley
- risk of future incremental developments culminating in a substantial dwelling replacing the existing shed
- a poor standard of dwelling
- a precedent for more of the same in the District
- the current farm buildings appear semi-derelict in state and have been so for at least 8 years.
- major aesthetic and technological differences between this proposed dwelling and the relatively common conversion of stone built field barns or bringing derelict dwellings back into service using best building and environmental practices.
- design proposed is also drastically out of keeping with the other houses in the area, the designs of which help to maintain the character
- highway safety concerns

Town / Parish Comments
Bradnop Parish Council

- Could not see this making a substantial dwelling;
- Application fails to show how agricultural use and domestic use could safely exist alongside – especially noting a past history of fire damage;
- Stated agricultural use would appear at variance to that observed [no further explanation of this provided].

Environmental Health
A somewhat unusual application containing limited information on the potential impacts on humans and livestock cohabiting within a relatively small space leads to concerns re (b) noise impacts of the development and (c) possible (gaseous) contamination risks on the site from animals and animal waste.

Staffordshire County Council Highways
No objections and no conditions requested. Requires two spaces – as shown to be available.

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. 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. No substantial or definitive information about the structural integrity of the current structure has been provided. Asked about the capacity of the structure to support the fully insulated domestic roof the agent has responded:

> *Agricultural buildings are normally clad with fibre cement sheeting or with metal sheeting. The buildings are designed and built to carry the heavier of the two, fibre cement sheeting, plus normal snow loadings, persons walking on the roof etc. This building was designed and built to carry fibre cement sheets.* Fibre cement sheets weigh more than insulated metal sheets. *See the attached* [additional information notes and calculations submitted]. *Therefore there will be a reduction in weight from the insulated sheets of 2,200 – 2,800kg below design weight. There should be no question that the building can accommodate the weight of insulated metal sheets without problem or without any need for any structural modification.*

The LPA also queried the likelihood or otherwise of being able to convert the existing building without re-building the wall. Again the response was not definitive but the agent asserts his view that this would be a conversion.

Whilst some interior photos have been provided and it is suggested by the agent that the skeleton structural frame is adequate no actual information to verify this has been provided – indeed one photo shows a frame support apparently at an angle and in another some timber cross-members are evidently sagging. Noting the above and the evident deteriorated state of the building the LPA finds it improbable that the current structure is capable simply of convers to form a dwelling. The application proposes timber over-cladding to the existing boarding but this again seems an improbable approach.

The LPA notes under GPDO article 2 – definitions – that "building" includes any part of a building.

Location or siting
The location of the dwelling space within a part of an agricultural building with animals, feedstuffs and equipment potentially occupying the remaining space within the building would normally lead to the scheme being considered unacceptable. These concerns have been raised by EH in their responses. The agent has suggested that these concerns could be overcome by a condition eg *"The occupation of the dwelling hereby permitted shall be by persons responsible for the management of the agricultural activities in the rest of the building"*. [Underline added.] It can be seen though that the impacts would stem from not just 'the rest of the building' but also the immediate farm yard area. It would need to be clear that the rest of the building included the attached adjacent barn. It must also be noted that to reach the dwelling the occupiers would be within and crossing land actively serving the farm. For these reasons it would not be sufficient to restrict to occupiers responsible for the farm activity within the building alone but also operating the site as a whole. Even so, ultimately this does not seem to amount to 'good' planning and with the EH concerns it may be judged that more fundamentally this is an unsuitable proposed site for a dwelling. The dwelling needs to be suitable for all occupiers including family and dependants. Even though some may be involved in looking after animals at the holding the dwelling still needs to meet basic living standards. The unusual proximity, within a part of a larger agriculture building leads the LPA to find this an unsuitable juxtaposition.

Design or external appearance
Externally, the scheme involves relatively minimal change from the existing building. Vertical timber boarding as existing and conventional agricultural roof sheeting would be used. The main addition would be two windows in the easterly elevation and two in the northerly elevation. These are shown modestly sized and would not be especially conspicuous or intrusive in the wider surroundings at the sizes and in the positions shown. Even so they would not be in character with a utilitarian agricultural building. Their restricted size however and kept to just one end of the more widely visible easterly elevation could be considered to sufficiently contain the appearance impacts in this case. It helps that the building elevations are set down in views from the public road and that there is some intervening hedgerow alongside.

Location or siting – amenity of existing neighbours
There are no neighbouring dwellings sufficiently close to create privacy concerns or other problems of overlooking.

Transport and Highways impacts of the development
None identified and no requirement for conditions other than to require parking area as shown in dwg KCC991-13A prior to development coming into use. The public representations on this are noted but with the SCC response finding the proposal acceptable from the existing entrance, noting that the road serves the Coombes Valley Reserve, the scheme should not be resisted on this point.

Noise impacts of the development
The proposed residential use would be unlikely to result in problematic noise impacts. There is an issue of the siting of a dwelling within range of the noise of an active farm building and surrounding farm yard as discussed above under location or siting.

Provision of adequate natural light in all habitable rooms
The two bedrooms can readily be seen to have an appropriate amount of light. For the kitchen / living space there is arguably some compromise to the amount of natural light that would reach the inner parts of the room with the room length being 8.5m. This raises a concern in relation to condition Q.2(1)(g) regarding adequate light as it is a large room with just one modest window and some light through a door.

CONCLUSION / PLANNING BALANCE
The dilapidated and untidy nature of the overall premises does not encourage a conclusion that a dwelling would be suitable within a part of one of the farm sheds. Given the EH concerns related to noise and smells due to living in such close proximity to livestock and farm activity it is concluded that fundamentally 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. Equally fundamentally the visually evident dilapidation with no specialist confirmation of the building's structural integrity brings into question its capacity for conversion in terms of foundations and footings, structural frame and wall structures.

Despite provision by the applicant of some additional information there remains insufficient information for the LPA to conclude that the building is structurally capable of carrying the conversion proposed without requiring in effect re-building. It is also the LPA's conclusion that the existing walls could not be retained and would require total and complete replacement. This goes well beyond the scope provided for under Class Q.

OFFICER RECOMMENDATION : refuse

Case Officer: Arne Swithenbank
Recommendation Date: 14.11.2022

X B.J. Haywood

Signed by: Ben Haywood
On behalf of Staffordshire Moorlands District Council

Appendix KCC2

Inspector's Decision 2121589

Appeal Decisions

Hearing held on 4 May 2010
Site visit made on 4 May 2010

by Steve Taylor BSc (Hons) MBA DMS C Eng MICE

an Inspector appointed by the Secretary of State for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
20 May 2010

Appeal A Ref: APP/B3438/A/10/2121589
Meridian Farm, Apesford Lane, Bradnop, Leek, Staffordshire ST13 7EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Robert and Emma Shufflebotham against the decision of Staffordshire Moorlands District Council.
- The application Ref 09/00881/FUL, dated 7 September 2009, was refused by notice dated 5 November 2009.
- The development proposed is the retention of a farm building with modifications.
- **Summary of Decision**: **The appeal is allowed.**

Appeal B Ref: APP/B3438/A/10/2121593
Meridian Farm, Apesford Lane, Bradnop, Leek, Staffordshire ST13 7EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Robert and Emma Shufflebotham against the decision of Staffordshire Moorlands District Council.
- The application Ref 09/01142/FUL, dated 23 November 2009, was refused by notice dated 19 January 2010.
- The development proposed is the retention of half of an agricultural building.
- **Summary of Decision**: **The appeal is allowed.**

Application for costs

1. At the Hearing an application for costs was made by the appellants against the Council. This application is the subject of a separate Decision.

Procedural Matters

2. In 2003 the appellants submitted a prior notification for an agricultural building. The Council determined that the storage shed was deemed permitted under the provisions of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO), and that prior approval of its siting and design was not required (Ref 03/00917/NOT). Following correspondence with the Council the appellants erected a slightly smaller and lower building to that which was deemed approved.

3. Following on from an enforcement investigation regarding the equestrian use of the site it became apparent that the building was being used to accommodate livestock despite being within 400m of a 'protected building', and as such required planning permission in its own right. The appellants therefore submitted a planning application in February 2008 for the change of use of an agricultural building and land to a mixed agricultural and equestrian

use and retention of building as constructed (Ref 08/00156/FUL). This was subsequently refused by the Council and dismissed at appeal on 20 January 2009 (Ref APP/B3438/A/08/2086579). I consider that the two appeals before me are materially different to the previous appeal in so far as they refer to an agricultural use of the building only and I have considered the appeals on this basis.

Main issues

4. I consider the main issues to be (i) whether there is an agricultural need for the farm building and (ii) the effect of the building on the character of the surrounding countryside.

Reasons

Agricultural need

5. The farm comprises some 7.5 hectares of permanent pasture to the south of Apesford Lane, with the land falling away from the road towards a brook course. An additional 3 hectares of seasonal grazing land is rented locally. The building the subject of the appeals is of a steel framed twin span construction measuring some 24.4m in length, 17.7m in width and 6.8m in height. Appeal A is to retain all the building, whilst appeal B is to retain the half of the building which contains a mezzanine floor on which the farm office, store and an artificial insemination laboratory are situated. The other half of the building was damaged by a fire in November 2008 and the appellants have carried out minimum repairs pending the outcome of these appeals.

6. At the Hearing the applicants confirmed that they were no longer pursuing their equine business but were now concentrating on rare-breed cattle and pigs in what they consider to be a niche market. The livestock levels have not increased significantly since the previous appeal. They have at present some 18 small breed Dexter and Shetland cattle including 11 breeding cows and 2 bulls and some 10 pigs including 3 breeding sows and 2 boars. It was reported that unfortunately 3 litters of pigs and 2 heifers were lost due to the winter weather not helped by the current condition of the building. They claimed that the number of horses was in the process of being reduced, their intention being for a total of 6 including their daughter's pony to remain grazed on the land.

7. The appellants pointed out that the farm is an agricultural holding with the land being subject to a Higher Level Stewardship Scheme with English Nature, which makes annual payments subject to low stocking levels, limits on grazing periods and no application of fertiliser or lime. It was their aim to build the stocking level up to around 20 breeding cows rearing offspring for sale as breeding stock or finishing and 8 breeding sows expected to produce some 80 piglets per annum reared to finished sizes. It was their intention to improve the environment in conjunction with the farming.

8. The appellants argued that the stocking density of the smaller breed cattle was 5 cows per hectare and 8-10 yearlings/finishers per hectare. The sows would be kept outside in arks in the yard area and the offspring reared inside the building once weaned. By rearing the smaller rare-breed as opposed to commercial cattle they considered that there would be sufficient grazing land

available to expand the business in a sustainable way. The Council argued that this was not sustainable, particularly in view of the number of horses kept on the land.

9. The Council claimed that the farm building was significantly excessive both in footprint and height for the livestock levels proposed. In this respect the Council's agricultural consultant considered that livestock equating roughly to the current levels could be accommodated in an area of around 136sqm compared to the building's floor area of approximately 432sqm. I note that this made no allowance for the storage of farm machinery and other equipment, animal feed or for any manoeuvring space. On my site visit I saw that one half of the barn was at present used for storage, whilst the other half contained the pigs and cattle in loose boxes. Although at the Hearing there was a consensus that the layout of the building was not ideal, particularly for livestock, the appellants pointed out that it needed to be high enough for storage purposes and to provide clearance for the farm machinery, whilst the general layout of the livestock enclosures was to some extent a matter of personal preference.

10. Reference was made by the Council to the proposal still relating to a mixed use equestrian/farming unit. Whilst this had been the approach adopted by the appellants in the past they made it quite explicit that in future the keeping of horses would be limited and that this would in no way involve the use of any part of the building. This would only be used for agricultural purposes and was necessary to enable the future expansion outlined above. Further, they argued that although the area of grazing required for a horse was greater than that required by a cow, there was sufficient surplus grazing available for a small number of horses.

11. The Council also made reference to the previous Inspector's decision, which is a material consideration. In particular it was pointed out that he had considered that the amount of livestock and general scale of pastoral farming did not appear to be a full-time sustainable business and that the overall scale of the building was very large for the scale of the business outlined by the appellants. As referred to earlier, I consider the nature of the current appeals to be materially different to the one before the previous Inspector. Whilst it is apparent that the appellants have struggled to get their business up and running and have had to change its focus somewhat, no evidence was put before me in policy terms to suggest that an agricultural holding needs to be a full-time business with regard to the appeal proposals. Further, I note that the appellants' agricultural consultant has now provided calculations in support of their argument that the whole of the floor space was necessary for housing cattle over winter and at other times for special care; for finishing pigs; housing farm machinery and providing storage space for animal feed.

12. I agree with the Council's view that the farm site should be viewed holistically with respect to the grazing land available and the retention of the building. On my site visit I noticed that the number of horses had been reduced from that recorded by the previous Inspector and I saw that there was clear evidence of the appellants' intention to try and establish the enterprise. With careful management of the land I consider that there would be sufficient grazing available for the cattle subject to some winter feed being bought-in.

I also consider that there are clear benefits to keeping the farm machinery and animal feed inside the building.

13. Therefore, based on the evidence before me, I consider that the appeal building is not overly excessive in size and is genuinely required for the purposes of agriculture on the holding to enable the appellants to provide the necessary cover for the fodder, farm machinery and livestock to enable them to develop the business. In this respect I consider the proposals relating to both appeals to be in accordance with the aims of Policy E4 of the Staffordshire Moorlands Local Plan 1998 (LP), which require that planning permission be assessed against the agricultural need for the development in that location.

Character of the surrounding countryside

14. The appeal site is within an area designated as a Special Landscape Area. It also includes part of the adjacent Coombes Valley Site of Special Scientific Interest. The area is characterised by an open landscape with sporadic farms and other rural dwellings. On my site visit I saw that the main public viewpoint from which the building can be seen is from the road. Although not seen as part of a larger farmstead it is not dissimilar to other farm buildings in the area. To my mind the side elevation of the building is seen most prominent when approaching along Apesford Lane from the east, although it is seen below the ridge-line. As such I consider that the retention of only half of the building in accordance with Appeal B would not significantly change the appearance of the structure in its landscape setting.

15. In my view the overall impact of the building would be softened by the proposed improvements to the external cladding. Further, the views from the road could be screened sufficiently by appropriate planting so as to enable the building to blend in with its surroundings. I am therefore satisfied, that subject to suitably worded conditions being imposed regarding the improvements to the external cladding and landscaping, that the building's appearance in respect of both of the appeals would not detract from its rural surroundings so as to conflict with the aims of LP Policies B13, E4, N8 and N9, which require that development should take account of its surroundings and not detract from the landscape as a result of its siting, scale and design.

Other Matters

16. In determining these appeals I have taken into account the relevant policies for the protection of the countryside in the Staffordshire and Stoke on Trent Structure Plan and the related Supplementary Planning Guidance together with national policy guidance as set out in Planning Policy Statement 1: *Delivering Sustainable Development*, Planning Policy Statement 4: *Planning for Sustainable Economic Growth* and Planning Policy Statement 7: *Sustainable Development in Rural Areas.*

17. Further, in taking into account the views of the local MP and the Parish Council together with letters of both support and objection, I can confirm that I have determined these appeals on their respective merits having regard to the nature of the proposals and the characteristics of the site.

Conditions

18. I have considered the conditions suggested at the Hearing and the comments of the main parties, as well as the advice of Circular 11/95 *The Use of Conditions in Planning Permissions.* I consider that conditions regarding landscaping, hardstanding/yard area and external cladding are necessary to protect the character of the surrounding countryside. In this respect I consider that a 3 month period for such schemes/details to be submitted to be reasonable, particularly when taking into consideration the fact that the development already exists. Likewise I consider that the requirement that the hardstanding/yard area and external cladding works be completed within 6 months is also reasonable.

19. The condition that relates to Appeal B only for the half of the building not being retained to be demolished and the ground restored within a period of 3 months is reasonable and necessary in the interests of the character of the surrounding area. I agree with the Council's view that the conditions suggested by the appellants regarding restricting the use of the building for agricultural purposes only, preventing any additional mezzanine floor space and external lighting without first obtaining the local planning authorities consent are not necessary.

Conclusions

20. I consider that the retention of only half the building would just about meet the appellants existing agricultural needs but would almost certainly lead to the storage of farm machinery outside the building. Therefore, whilst on balance I consider that the retention of the whole building in accordance with Appeal A would be the appellants' preferred option, I appreciate that the retention of half the building in accordance with Appeal B would remain an option open to them.

21. Accordingly, for the reasons given above and having regard to all other matters raised, I conclude that Appeal A and Appeal B should be allowed.

Formal Decisions

Appeal A - Ref: APP/B3438/A/10/2121589

22. I allow the appeal and grant planning permission for the retention of a farm building with modifications at Meridian Farm, Apesford Lane, Bradnop, Leek, Staffordshire ST13 7EX in accordance with the terms of the application Ref 09/00881/FUL, dated 7 September 2009 subject to the schedule of conditions set out in the Annex.

Appeal B - Ref: APP/B3438/A/10/2121593

23. I allow the appeal and grant planning permission for the retention of half of an agricultural building at Meridian Farm, Apesford Lane, Bradnop, Leek, Staffordshire ST13 7EX in accordance with the terms of the application Ref 09/01142/FUL, dated 23 November 2009 subject to the schedule of conditions set out in the Annex.

Steve Taylor Inspector

Annex

Schedule of Conditions

Appeal A

1) Within 3 months of the date of this decision a scheme for the landscaping of the site shall be submitted to and approved in writing by the local planning authority. These details shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, and the proposed number and densities.

2) All planting or seeding comprised in the approved details of landscaping shall be carried out in the first available planting and seeding seasons following the approval of the landscaping scheme; and any trees or plants which within a period of 5 years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

3) Within 3 months of the date of this decision, a scheme for the hardstanding/yard area of the farm shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be completed within 6 months of the date of this decision and retained as such.

4) Within 3 months of the date of this decision details of the improvements to the external cladding proposed shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be completed within 6 months of the date of this decision and retained as such.

Appeal B

1) Within 3 months of the date of this decision a scheme for the landscaping of the site shall be submitted to and approved in writing by the local planning authority. These details shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, and the proposed number and densities.

2) All planting or seeding comprised in the approved details of landscaping shall be carried out in the first available planting and seeding seasons following the approval of the landscaping scheme; and any trees or plants which within a period of 5 years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

3) Within 3 months of the date of this decision, a scheme for the hardstanding/yard area of the farm shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be completed within 6 months of the date of this decision and retained as such.

4) Within 3 months of the date of this decision details of the improvements to the external cladding proposed shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be completed within 6 months of the date of this decision and retained as such.

5) Within 3 months of the date of this decision the part of the building not to be retained shall be demolished and removed from the site and the land restored to its former condition subject to any requirements of the landscaping scheme or the scheme for the hardstanding/yard area.

APPEARANCES

FOR THE APPELLANT:

Tony Kernon BSc (Hons) MRICS FBIAC	Kernon Countryside Consultants
Mrs Emma Shufflebotham	Appellant
Mr Robert Shufflebotham	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Rachael Simkins BA (Hons) BTP MRTPI	Planner – Staffordshire Moorlands District Council
Trevor Williams former FRICS FAAV (retired)	Consultant

INTERESTED PERSONS:

Gill Heath	Councillor – Staffordshire County Council

DOCUMENTS SUBMITTED AT THE HEARING.

Document	1	Map showing location of 3 hectare area of seasonal grazing.
Document	2	Extract giving the definition of agriculture with regards to the GPDO with particular reference to the keeping of horses.
Document	3	The British Horse Society – Guidelines for the keeping of horses: stable sizes, pasture acreages and fencing.

Appendix KCC3

Schedule of Works

SCHEDULE OF WORKS

This schedule covers the principal works involved in the conversion. The description focuses on the external works.

Site Preparation and Works to Frame

The works relate to the use of an existing mezzanine, and an extended mezzanine, in part of the existing building.

The relevant part of the building will be emptied of tools and machinery and swept clean.

The metal frame of this part of the building will be shot blasted and then painted.

Timber within this part of the building will be closely inspected and treated with suitable preservatives, but is generally in good condition.

Works to the Roof

The roof sheets in this part of the building include a number of lightsheets. These need to be replaced. Therefore it is proposed to replace the lightsheets on this part of the building with new, lightweight, metal sheeting to match the roof sheet profile of the rest of the roof.

The roof will then be insulated from the underside, then plasterboarded, as per the example below.





Therefore the works to the roof are works of conversion. This is not fresh build.

Floor

The floor for approximately two thirds of the proposed dwelling has been in existence for over 12 years. It is a substantial timber structure built off blockwork walls of the lower part of the building.

The floor can be seen in the following photograph. The floor will be insulated from below and then underclad in fireboard.



The mezzanine will be extended in the northeast corner with a similar construction.

Internal Walls

Some of the internal walls already exist, as shown below.

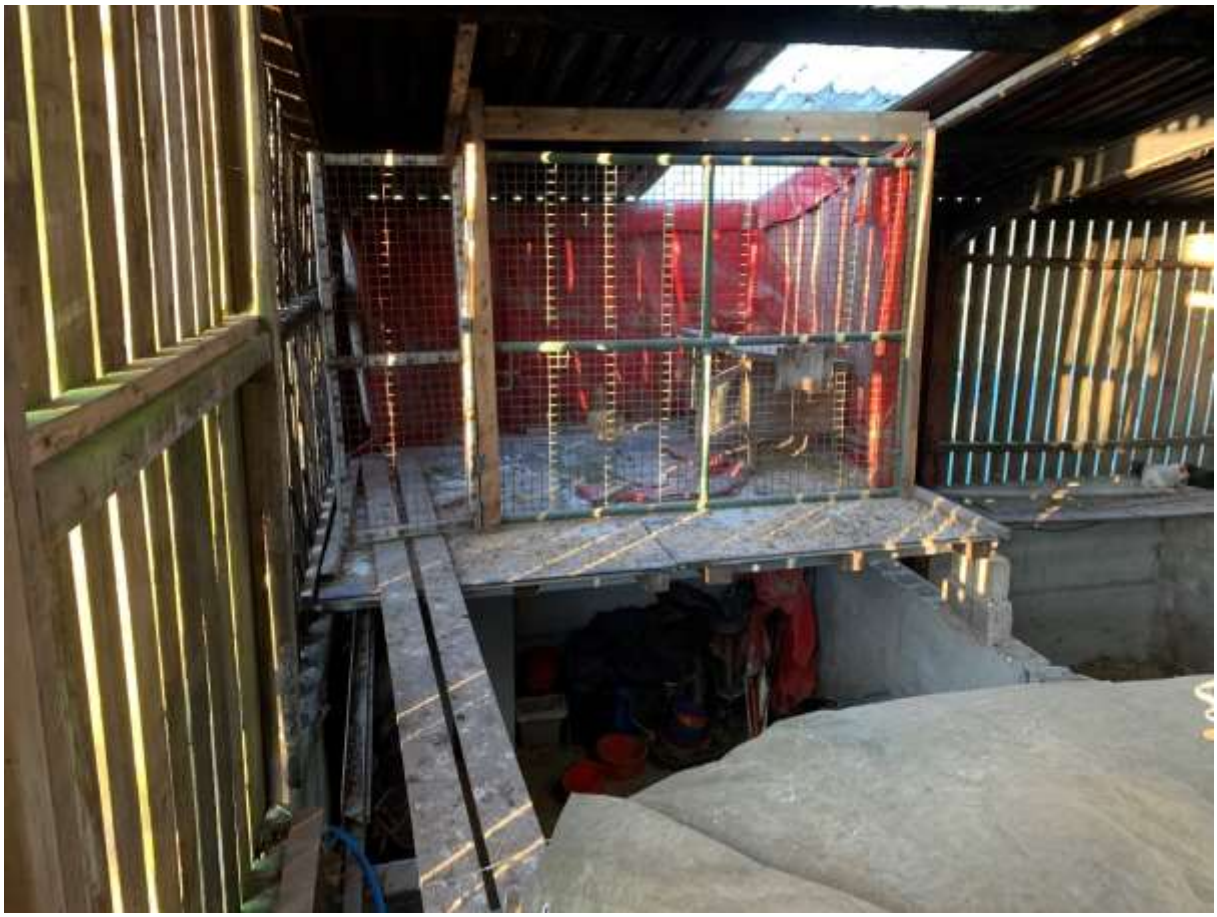




Others will be added with a similar construction.

East Wall

The east wall is clad in Yorkshire boarding above a concrete blockwork lower wall, as shown below.



New timber insulated panels will be inserted between the stanchions. These will allow for the insertion of windows and the packing of insulation. This is shown (as an example) below.







Externally an additional timber plank will be added over the top of the existing planks. This is very hard to distinguish from the outside, as the following example shows.



North Wall

The works to the north wall, which is shown below, will be very similar to those described for the east wall.



Curtilage

The curtilage area will be tidied up and reseeded as lawn.



Appendix KCC4

Relevant Correspondence with the Council

From: Swithenbank, Arne <arne.swithenbank@staffsmoorlands.gov.uk>
Sent: Monday, November 14, 2022 2:29 PM
To: Kernon Countryside Consultants <info@kernon.co.uk>
Cc: ellabennett24@icloud.com
Subject: RE: DET/2022/0035: Meridian Farm

Dear Tony – further to my earlier reply I have had some further clarification from Env Hlth again saying:

"This would appear to be a somewhat unusual application containing limited information on the potential impacts on humans and livestock cohabiting within a relatively small space. We would have concerns regarding the potential for disease (faecal / animals' material etc), gases being produced from animals and animal waste, and the potential noise disturbance from the barn that will continue to be in use. Environmental Health, would therefore object to the application being considered as Class Q as based on the available information based on concerns regarding; (b) noise impacts of the development, (c) possible (gaseous) contamination risks on the site."

Before I complete the recommendation on this one I think I'd better discuss with the signing manager (head of planning) – could we agree a further short time extns to say close of Thurs this week 17th Nov?

Arne

In your communications with me please always quote the planning reference number if you have one.

Arne D. Swithenbank
Planning Officer and Ecologist
Regulatory Services: Planning Applications
Staffordshire Moorlands District Council
Moorlands House
Leek ST13 6HQ
Staffordshire

also at High Peak Borough Council
Buxton Town Hall, Buxton

tel **01538 395578**
Mbl 07766 160 460

e-mail: arne.swithenbank@staffsmoorlands.gov.uk

From: Kernon Countryside Consultants <info@kernon.co.uk>
Sent: Monday, November 21, 2022 1:22 PM
To: Swithenbank, Arne <arne.swithenbank@staffsmoorlands.gov.uk>
Cc: Amy Curtis <Amy@kernon.co.uk>; ellabennett24@icloud.com
Subject: 2022/0035: Meridian Farm

KCC991

Dear Mr Swithenbank

I have reviewed the decision letter and the officer report.

Prior to lodging an appeal, I request some factual information, please, and invite you to confirm that I have interpreted your position correctly.

Factual Information Required

1. Please confirm that you have **not** visited the site or been inside the building in making your assessment.

2. Please advise which photograph "**shows a frame supporting apparently at an angle**".

3. Please advise which photograph shows "**some timber cross members are evidently sagging**".

4. To help you out, I am going to guess that it is these two, from the Roof Sheet Calculations, November 2022. Please confirm that your assessment is based on an assumption that the steel frame is out of true, and that the timber board behind the vertical timbers is a sign of structural failing.



The frame



The frame and roof frame

5. Please confirm that your Building Regulations team was not consulted, nor made comments, on the application.

6. Please confrim what size of windows / window opening would be needed on the kitchen / living area to meet your requirements for natural light (Reason for Refusal 3) and where I can find that guidance.

Interpretaton Clarification

7. Please confirm that I have understood the final paragraph of the officers report correctly. It is the local planning authorities opinion that should the existing timber walls be replaced in the covnersion, that "**goes well beyond the scope provided for under Class Q**"

I look forward to your clarifications on these points as a matter of urgency, please.

With kind regards.

Yours sincerely

Tony Kernon
BSc(Hons), MRICS, FBIAC

KERNON
COUNTRYSIDE CONSULTANTS LIMITED

Kernon Countryside Consultants Ltd
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RICS
BIAC

Registered office: Greenacres Barn, Stoke Common Lane, Purton Stoke, Swindon SN5 4LL

Under the General Data Protection Regulations (GDPR) May 2018, we are required to inform you that by agreeing to engage us to perform the above service, you are happy for us to hold your information. We do not share this with other parties except with your consent as required to ensure the service is performed appropriately.

From: Swithenbank, Arne <arne.swithenbank@staffsmoorlands.gov.uk>
Sent: Monday, November 21, 2022 5:20 PM
To: Kernon Countryside Consultants <info@kernon.co.uk>
Cc: Amy Curtis <Amy@kernon.co.uk>; ellabennett24@icloud.com
Subject: DET/2022/0035: Meridian Farm

Dear Mr Kernon
Thank you for your e-mail in follow up to the Council's recent refusal decision. I have used numbers corresponding with your questions in my answers below.

1) I have visited the site but I have not been into the building.
2) / 3) and 4) – as regards the photos, yes these were two catching attention.

4. I think the report is expressing a lack of evidence to confirm about the building's integrity and capacity to be converted – rather than a definitive assertion or assumption. This was first raised I think in my e-mail to you of 24th Oct. Ultimately this concern has fed through to the wording used in refusal reason 2.
5. The Council does not have a 'Buildings Regulation team' – and there was no consultation with the external Buildings Regulation service provider used by the Council.
6. The basis of this refusal reason is the GPDO amendment condition Q.2 (1) (g) and paragraph W (2A) refers.
7. I am not sure I can put matters any differently than stated by the Council in its report: "Despite provision by the applicant of some additional information there remains insufficient information for the LPA to conclude that the building is structurally capable of carrying the conversion proposed without requiring in effect re-building. It is also the LPA's conclusion that the existing walls could not be retained and would require total and complete replacement. This goes well beyond the scope provided for under Class Q." The Council of course will have in mind such matters as PPG Paragraph: 105 Reference ID: 13-105-20180615 and reference to the Hibbitt case.

Yours sincerely
Arne Swithenbank

In your communications with me please always quote the planning reference number if you have one.

Arne D. Swithenbank
Planning Officer and Ecologist
Regulatory Services: Planning Applications
Staffordshire Moorlands District Council
Moorlands House
Leek ST13 6HQ
Staffordshire

also at High Peak Borough Council
Buxton Town Hall, Buxton

tel **01538 395578**
Mbl 07766 160 460
e-mail: arne.swithenbank@staffsmoorlands.gov.uk

From: Kernon Countryside Consultants
Sent: Tuesday, November 22, 2022 12:41 PM
To: Swithenbank, Arne <arne.swithenbank@staffsmoorlands.gov.uk>
Cc: Amy Curtis <Amy@kernon.co.uk>; ellabennett24@icloud.com
Subject: RE: DET/2022/0035: Meridian Farm

KCC991

Dear Mr Swithenbank

Thank you for your swift response.

It is a pity that you have not been inside the building. The building has a substantial steel frame and is less than 15 years old. We obviously need to address the level of information.

Mezzanine

You have accepted that a mezzanine floor can be added, as per the PPG guidance. The first floor already exists for most of the building.

Structural Stability

We will need to provide you with further evidence that the steelwork and frame can carry the changes associated with the conversion. It is, I believe, obvious if you go inside the building but my photographs have not been sufficient for you.

Roofsheets

Subject to demonstrating that the frame can carry the loadings, I understand that you accept that the roofsheets can be replaced under Class Q.

Light Provision

I note your comment about light from the window into the living room. It seems that this is a subjective judgement, rather than relating to any standards, but we can address that with a revised, larger window/door arrangement.

External Wall

In terms of the structure, I think that then leaves us with the outer walls. I provided a description and photographs of a conversion using the existing timber, but in your view the wall would need to be replaced. If it does, in your view that "**goes well beyond the scope provided for under Class Q**".

Class Q.1 (i) (i) allows for "**the installation or replacement of – (aa) windows, doors, roofs, or exterior walls**". Therefore if the upper wall was completely replaced, it would be an operation explicitly permitted by Class Q. I attach appeal decision 3278678 relating to the extent of wall alterations and the GPDO. Replacing the wall material would fall fully under Class Q.

The appeal also addresses the Hibbitt case. I would hope that we do not need to go to appeal on this part of the proposals.

Ventilation and Disturbance

I note your comments about the proximity of the dwelling to farmland.

Next Steps

It is unfortunate that you have not been inside the building before concluding that the building is not capable of conversion. However, we will investigate the cost of a structural report to provide you with further information.

I hope that you can agree that replacement of the walls (if your view that the existing timber cannot be retained is followed) is a work explicitly allowed for under Class Q and is not a "Hibbitt" case.

I would be grateful for confirmation that the three matters we would need to address in a revised application are:

(i) evidence of structural suitability;
increased window size in the living room;
(ii) air quality and farm noises.

With kind regards.

Yours sincerely

Tony Kernon
BSc(Hons), MRICS, FBIAC

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Under the General Data Protection Regulations (GDPR) May 2018, we are required to inform you that by agreeing to engage us to perform the above service, you are happy for us to hold your information. We do not share this with other parties except with your consent as required to ensure the service is performed appropriately.

The Planning Inspectorate

Appeal Decision

Site visit made on 7 December 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/F0114/W/21/3278678
St. Julians Farm, St Julian's Road, Shoscombe, Bath BA2 8NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Alan Weeks against the decision of Bath and North East Somerset Council.
- The application Ref 21/01678/ADCOU, dated 31 March 2021, was refused by notice dated 25 May 2021.
- The development proposed is change of use of agricultural building to dwelling house (Use Class C3).

Decision

1. The appeal is allowed and prior approval is granted under the provision of Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) for the change of use of agricultural building to dwelling house (Use Class C3) at St Julians Farm, Shoscombe, Bath BA2 8NE in accordance with the application Ref 21/01678/ADCOU, dated 31 March 2021 and the details submitted with it. The approval is subject to the conditions of the Order and those listed in the attached schedule.

Preliminary Matters

2. The appeal has been accompanied with a revised floor plan that includes a schedule of room and window dimensions. This information was not before the Council when it determined the application. However, this drawing has not altered the scale of the development, while the Council has had the opportunity to comment on the details during the appeal. Moreover, it accords with the revised provisions of the Order. Accordingly, this information is accepted, and I have had regard to it in my determination.

Main Issue

3. The main issue is whether the proposed development falls within the terms of the permitted development rights under Schedule 2, Part 3, Class Q.

Reasons

4. The permitted development right under Schedule 2, Part 3, Class Q(a) and (b) of the Order allows the change of use of an agricultural building and any land within its curtilage to a dwelling house together with building operations reasonably necessary to enable the conversion, subject to various limitations and conditions as set out in paragraphs Q.1 and Q.2 of that Class.

5. The agricultural building comprises a four-sided agricultural shed. The extension on the building's northern end, would be removed due to the poor condition of its

timber frame and metal sheet cladding. This would reveal an internal block partition within the building and become part of the proposed outer wall along with a new area of glazed windows and doors. Also in poor condition is the metal sheet cladding to the building's west elevation. This would be replaced with corrugated metal sheeting. A glazed window frame and new door would be inserted into the two large openings at the building's existing south elevation. Internal alterations would include a new floor, insulation, and a damp-proof course (DCP). The building's roof, supporting concrete frame and foundation would remain, as would most of the block wall at the east elevation.

6. The application was accompanied by a Visual Structural Inspection, which found that structural concrete elements appear to be in good condition and no signs of excessive carbonation, spalling or significant degradation were detected. Although the extension at the building's northern elevation would need to be removed, the report concludes that the building is structurally strong enough to take the likely loading from the proposed works without any significant alteration or enhancement. Having regard to this report and what I saw on my site visit I have no reason to disagree with that assessment.

7. Paragraph Q.1(i) provides that development is not permitted by Class Q if the development under Class Q(b) would consist of building operations other than (i) the installation or replacement of windows, doors, roofs, or exterior walls, or 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).

8. Paragraph 105 of the Planning Practice Guidance provides further advice that Class Q permits building operations that are: 'reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission'. It goes on to say: 'Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q'.

9. Although the glazed areas proposed to the north and south cover most of those elevations, these are operations permitted by Q(i)(i). They would also allow natural light to enter rooms and would be reasonable for the dwelling to function in that regard. The new metal cladding along the building's west elevation would cover an extensive area, however, again, this is work that falls under the operations allowed by Class Q. Other windows and doors proposed would also constitute works that are allowed.

10. The floor area of the resultant dwelling would be approximately 169m^2. Therefore, the proposed DCP covering, concrete screed dressing and floor insulation would cover a large area. However, those are works that would reasonably be required to secure the dwelling from external moisture while ensuring it is thermally efficient. They would also not be freestanding or form a self-supporting shell, separate from that of the existing structure. Accordingly, they would be additions to the existing structure rather than rebuilding works.

11. Overall, the proposal would not involve any new structural elements, and the existing building would remain largely intact. Furthermore, the resultant building would not be significantly different in its external appearance. In these

circumstances, the works would constitute conversion of the building rather than re-building.

12. The Council contends that the quantum of works goes beyond the extent reasonably necessary to carry out building operations allowed by paragraph Q.1.(i)(i). In this regard, my attention has been drawn to the Hibbitt[1] case, which considered the difference between conversion and rebuilding. That case, however, involved a proposal to convert a steel framed barn which was largely open on three sides, and the proposed building works included the construction of all four exterior walls. The appeal proposal, by contrast, involves a building that is partially enclosed and includes existing openings that would be filled with glazing. The exterior walls would remain largely unaltered, and the roof would be retained in its entirety. The starting point for the conversion would not, therefore, be a skeletal structure, as in the Hibbitt case.

13. On the basis of the above the existing building is capable of conversion, the building operations proposed in the application are reasonably necessary to enable the building to function as a dwelling house, and they do not amount to rebuilding works. In reaching this view legitimate planning judgement has been exercised and consequently, the use and associated works are permitted by Schedule 2, Part 3, Class Q of the Order.

Other Matters

14. No further areas of dispute have been raised by the parties in respect of the remaining qualifying criteria under, Class Q (b), Class Q.1 and Q.2. From what I have seen, and the evidence before me I find no reason to reach an alternative conclusion.

Conditions and Conclusion

15. Section W (13) of the Order states that Local Planning Authorities may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. In this case, I have added reference to the standard condition set out in paragraph Q.2(3) relating to timescales. Details of surface water management at the site are necessary to remove any flood risks. These details are required for approval prior to development commencing as they would be required as part of building works. Conditions relating to contamination investigation and remediation are necessary to remove public health risks. It is necessary for a condition to keep parking and turning areas free from obstruction, in the interests of vehicular and pedestrian safety. A cycle storage condition is necessary to ensure that adequate facilities are provided for the appeal building and to encourage sustainable forms of transport.

16. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be allowed.

R E Jones

INSPECTOR

[1] Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin)

Schedule of Conditions

1 The development must be completed within a period of 3 years starting with the date of this decision.

2 No development shall commence, except ground investigations and remediation, until details of infiltration testing and soakaway design in accordance with Building Regulations Part H (or any guidance if revised or replaced) have been undertaken to verify that soakaways will be suitable for the development. Those detail shall be submitted to and agreed in writing by the Local Planning Authority and implemented in accordance with the approved scheme prior to the first occupation of the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and implemented, in accordance with the approved scheme prior to the first occupation of the development.

3 No development shall commence until an investigation and risk assessment of the nature and extent of contamination on site and its findings has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: • human health, • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, • adjoining land, • groundwaters and surface waters, • ecological systems, • archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s).

4 No occupation shall commence until a verification report (that demonstrates the effectiveness of the remediation carried out) has been submitted to and approved in writing by the Local Planning Authority, unless the findings of the approved investigation and risk assessment has confirmed that a remediation scheme is not required.

5 In the event that contamination which was not previously identified is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Thereafter an investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.

6 Prior to the first occupation of the development details showing the storage for at least 2 bicycles, are submitted to and approved in writing by the Local Planning Authority. No occupation shall commence until this area has been constructed in accordance with the approved details and shall not thereafter be used other than for the parking of bicycles in connection with the development hereby permitted.

7 The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

*****End of Schedule*****

From: Kernon Countryside Consultants <info@kernon.co.uk>
Sent: Tuesday, January 3, 2023 9:43 AM
To: Swithenbank, Arne <arne.swithenbank@staffsmoorlands.gov.uk>
Cc: ellabennett24@icloud.com; Amy Curtis <Amy@kernon.co.uk>
Subject: DET/2022/0035: Meridian Farm

KCC991

Dear Arne

I write further to my email of 22nd November, which you read.

I would be grateful for confirmation that we need to address the following three matters in a revised application:

(i) evidence of structural suitability;
(ii) increased light to the living room;
(iii) information about air quality and farm noises.

I would be grateful for your confirmation that the works to the upper wall fall within Class Q.

I look forward to hearing from you, please, before we instruct structural engineers.

I hope that you have a great 2023.

With kind regards.

Yours sincerely

Tony Kernon
BSc(Hons), MRICS, FBIAC

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Under the General Data Protection Regulations (GDPR) May 2018, we are required to inform you that by agreeing to engage us to perform the above service, you are happy for us to hold your information. We do not share this with other parties except with your consent as required to ensure the service is performed appropriately.

From: Kernon Countryside Consultants
Sent: Monday, February 6, 2023 2:05 PM
To: Swithenbank, Arne <arne.swithenbank@staffsmoorlands.gov.uk>
Cc: ellabennett24@icloud.com; Amy Curtis <Amy@kernon.co.uk>
Subject: DET/2022/0035: Meridian Stud

KCC991

Dear Mr Swithenbank

Further to your decision on this application, I wrote to you on 22nd November and again on 3rd January. Please can you respond?

I seek your confirmation that you require:

- evidence of structural suitability;
- increased window size in the living room;
- information about air quality and farm noises.

I seek your confirmation that replacement wall cladding is, you accept, works permitted under Class Q.

The principal issue is the structural suitability of the building. You have taken a view without an internal inspection, but require a structural report. Please confirm that to be correct.

With kind regards.

Yours sincerely

Tony Kernon
BSc(Hons), MRICS, FBIAC

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Appendix KCC5

Air Quality and Farm Noises

AIR QUALITY AND FARM NOISES

The Council has asked for information about animal noises and smells, in order to ensure that the Council does not have concerns about disease spread, gases and noise.

The flat will be occupied by the farmer of the land. We have offered an agricultural occupancy restriction. We could also enter a legal agreement not to sell the flat separate from the rest of the building. Both of these will satisfactorily overcome the concern.

There is no reason to be concerned anyway.

The rest of the building is well ventilated, as shown below. Odour and gases will not, therefore, build up to problematic concentrations.



There are small pens. These are used for small numbers of sheep at lambing time (a period of 2 - 3 weeks most years), or if an animal is poorly.

The loose boxes are also used for small numbers of poultry, such as shown below.

These very limited numbers of small animals (sheep) for a few weeks, and small numbers of poultry, will not result in gases or odours at a detectable, let alone problematic, concentration.



Poultry do not pose a disease risk for humans, nor do they produce gases or noise that is a nuisance when kept in small numbers.

The seasonal housing of small numbers of sheep will not cause a disease risk, nor will it result in gases or noises that are unacceptable.

Conditional Consent

The council has three options that will overcome this reason:

(i) apply an agricultural condition as follows: "**The occupation of the dwelling hereby permitted shall be by persons responsible for the management of the agricultural activities in the rest of the building**";

(ii) require a s106 legal agreement to prevent the flat being sold or occupied separately to the rest of the building;

(iii) require that no poultry or sheep be kept in the section beneath the flat.

Appendix KCC6

Environment Agency Flood Risk Report

Environment Agency

Flood map for planning

Your reference	Location (easting/northing)	Created
KCC991 FRA	**401147/353478**	**19 Aug 2022 11:09**

Your selected location is in flood zone 1, an area with a low probability of flooding.

You will need to do a flood risk assessment if your site is **any of the following:**

- bigger that 1 hectare (ha)
- In an area with critical drainage problems as notified by the Environment Agency
- identified as being at increased flood risk in future by the local authority's strategic flood risk assessment
- at risk from other sources of flooding (such as surface water or reservoirs) and its development would increase the vulnerability of its use (such as constructing an office on an undeveloped site or converting a shop to a dwelling)

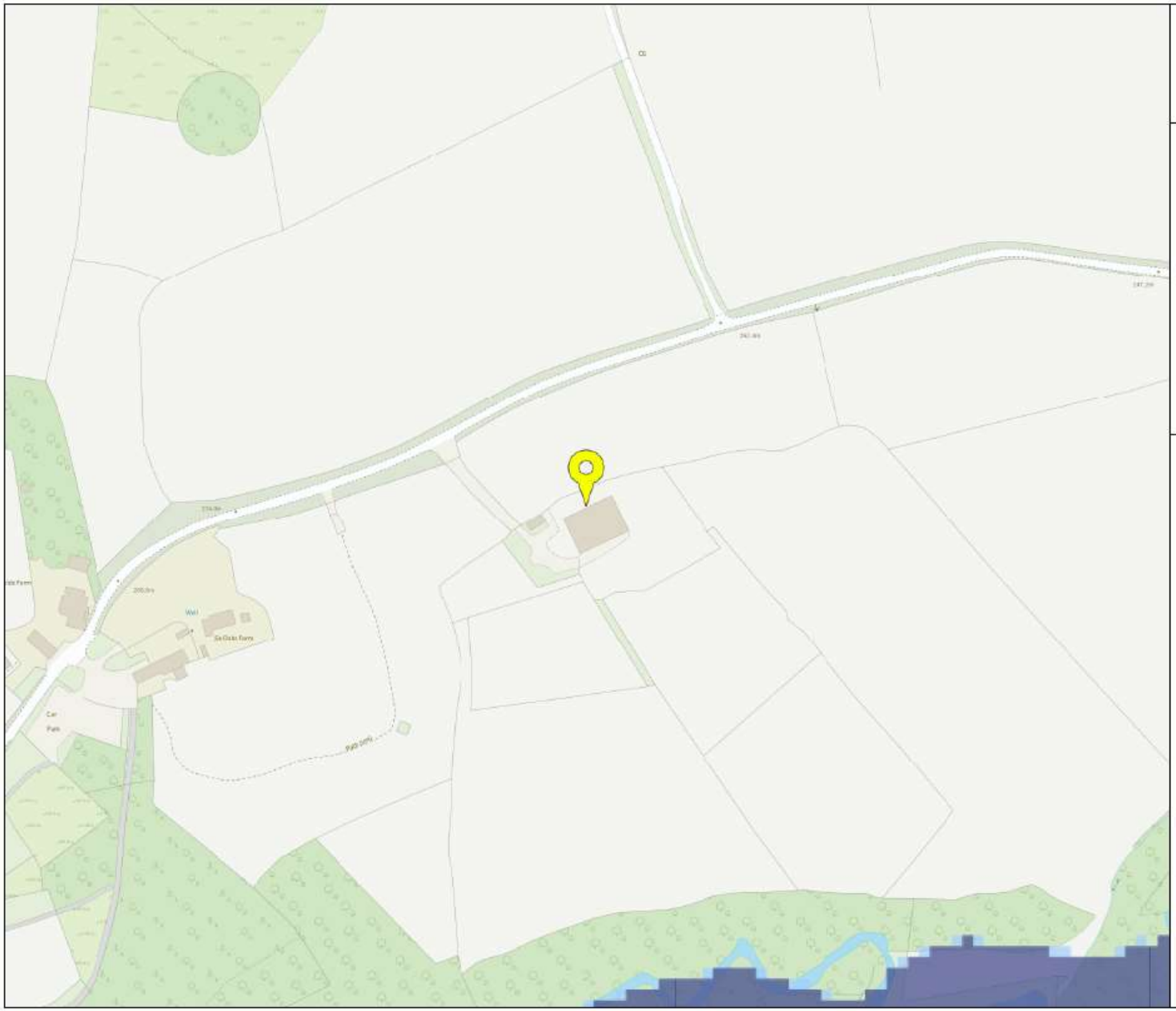
Notes

The flood map for planning shows river and sea flooding data only. It doesn't include other sources of flooding. It is for use in development planning and flood risk assessments.

This information relates to the selected location and is not specific to any property within it. The map is updated regularly and is correct at the time of printing.

Flood risk data is covered by the Open Government Licence **which** sets out the terms and conditions for using government data. https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/

Use of the address and mapping data is subject to Ordnance Survey public viewing terms under Crown copyright and database rights 2021 OS 100024198. https://flood-map-for-planning.service.gov.uk/os-terms



Environment Agency

Flood map for planning

Your reference
KCC991 FRA

Location (easting/northing)
401147/353478

Scale
1:2500

Created
19 Aug 2022 11:09

- Selected point
- Flood zone 3
- Flood zone 3: areas benefitting from flood defences
- Flood zone 2
- Flood zone 1
- Flood defence
- Main river
- Water storage area

0 20 40 60m

Page 2 of 2

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