Class Q – Prior Notification
Supporting Statement

Resubmission: Conversion of an Agricultural building to form a single dwelling (C3 residential use) at: Land at North Plantation, Tenford Lane, Tean, Staffordshire, ST10 4EL

16th June 2023 – Jack Henderson

AndrewLarge surveyors LTD

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CLASS Q – PRIOR NOTIFICATION
SUPPORTING STATEMENT

1.0 Introduction

- This statement has been submitted by Andrew Large Surveyors Ltd on behalf of the applicant, Mr Colin Pearce. The following report provides assessment against the relevant criteria of Class Q Permitted Development, for the conversion of an Agricultural Building to a single dwelling (C3 residential use) at: Land at North Plantation, Tenford Lane, Tean, Staffordshire ST10 4EL.

- Andrew Large Surveyors Ltd carried out a meeting and site survey on the 22nd of February 2023. Andrew has been a rural practice chartered surveyor for 18 years and is the principal partner of Staunton Harold Farms which is a mixed arable, beef and sheep farm based on 400 acres of land in Northwest Leicestershire.

- Submitted, and to be assessed in conjunction with this report and all working plans are the following surveys: Building Condition Report

- Additional information has also been provided for the purpose of comparison and justification of the legitimacy of the proposed application, including assessment of comparable applications throughout the district.

- Plans that have been formulated by Andrew Large Surveyors Ltd for the purpose of the application are: Site Location, Block Plan, Curtilage Plan, Proposed Site Plan, Existing Elevations and Floor Plan, Proposed Elevations and Floor plan, Existing Cross Section, Proposed Cross Section.

- This application is a resubmission of application ref: DET/2023/0012, following a refusal which was issued on the 15th June 2023. Some additional commentary has been incorporated to address matters which were raised in the officer's report, and have been highlighted under subsections, **'Additional Commentary'**.

2.0 Site Appraisal

2.1 Physical & Environmental Context

- The applicant's farming enterprise comprises a total holding of 332 acres, and operates as an organic dairy farm, with approximately 130 head of milking cattle each year. Mr Pearce took over full management of the holding in 1992 with the passing of his father. Mr Pearce is the 2nd generation of a family run farm in this location. Now operated by himself and his wife, Claire, they also employ 1 full time and 2 part time employees. The farm calves from January through to August, with the applicant historically retaining about 40 calves to join the herd, the rest are sold at 1-2 weeks old.

- The subject building is predominantly utilised for the housing of cattle, with it also facilitating the storage of machinery, equipment, and materials, during the warmest months when all livestock has calved. During the site visit by Andrew Large Surveyors Ltd the building was full of cattle and associated straw, and fodder.

- The building has a Gross External Area of 474.52m2 and is constructed by a steel portal frame with concrete shuttered walls sitting directly on top of a reinforced concrete slab, and in between the

upright stanchions. Provided with the proposed dwelling is 395.99m2 of residential curtilage, which includes associated parking. The Gross Internal Area of the proposed dwelling is 441.72m2.

- This report, in corroboration with existing and proposed cross sections, and a structural report, highlight that the building is structurally capable of conversion, and that all of the proposed work is in accordance with Class Q criterion.

2.2 Relevant Planning History

- DET/2016/0008 – Conversion of an existing Agricultural Building into 3 dwellings – Prior Approval Refused 17/03/2016.

- DET/2017/0003 – Proposed change of use of Agricultural Building to 3 dwellinghouses – Prior Approval Refused 03/03/2017.

- DET/2023/0012 – Proposed change of use of Agricultural Building to 3 dwellinghouses – Prior Approval Refused 15/06/2023.

2.3 Social Context

- The site is located on the north eastern outskirt of Upper Tean, which provides a range of services and facilities which is not only supported by residents within the confides of the village boundary, but by small pockets of houses and agricultural holdings that surround in all directions. Facilities and services such as a primary school, supermarket, churches, restaurants, public houses, and take aways, are all sustained by the support of surrounding residents, as well as those within. The development will provide a rural dwelling which will contribute to the continued viability of local facilities.

2.4 Economic Context

- All work of the proposed development will provide working opportunities for trades which are local to the immediate and surrounding area.

3.0 Assessment against Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015

- Class Q development is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

(a) Transport and highways impacts of the development,

- The LHA were consulted on the previous Class Q Prior Notification (ref:DET/2017/0003), with their final comments not objecting to the scheme. The revised proposal causes there to be no alteration to this conclusion, with parking provided inline with standards of the district, as well as Manual for Streets 1 & 2.

- During the earlier scheme, it was confirmed that the applicant would be willing to agree to the poultry shed (not yet fully constructed) not being implemented if the dwelling was to be granted consent. This

aspect of the scheme is also replicated in the revised scheme. Highways comments from the earlier scheme (ref:DET/2017/0003):

The Applicant has indicated, however, that if the Council were minded to approve this application they would be willing to enter into a Unilateral legal agreement to agree to not implement the 2015 permission. This would overcome the problem.

- ***Additional Commentary.***

- Though the County Highway Officer had no concern over the premise of the development when assessing it in the context of the history of the site, the planning officer's report stated the following:

Transport/Highways
The County Highways officer has recommended a condition to secure some bound material surfacing to the rear of the proposed access. Interestingly the response contains a note referencing the applicant's offer not to implement to previously approved egg production unit. The County Highways officer is clear that the conditional response is based on the understanding that the egg unit will not be implemented. One of the conditions of the egg production unit consent was the requirement to close the existing vehicular access. There is information on historic files from the applicant confirming that the egg production consent has been implemented, however it is not clear whether officer's accepted this, it may be a matter for a Certificate of lawfulness to determine, depending on which route the applicant wishes to follow. At this stage, there exists the question of how the Class Q residential accommodation currently proposed, could be accessed. This matter has been raised before but the current submission has not provided any detail of how the applicant would intend to overcome the matter. There is therefore insufficient information to demonstrate transport/highways acceptability.

- The proposed dwelling would be serviced by the same access that Mr Pearce has utilised for in excess of 30 years. The condition, as referred to in the commentary above, is condition 16 of the Egg production unit consent (SMD/2009/0201).

16. Within 3 months of the proposed development being brought into use the existing field access made redundant as a consequence of the development hereby permitted by this consent and as shown on submitted Drawing No. IP/CP/01 shall be permanently closed and the access crossing reinstated as verge in accordance with details first to be submitted to, and approved in writing by, the local Planning Authority.

Reason:-
In order to comply with the Staffordshire and Stoke-on-Trent Structure Plan Policy - T13 and in the interest of highway safety.

- As the egg production unit has not yet been constructed, it would be clear that it has not yet been *'brought into use'.* A start on the development was made, with the new access being installed, as per the plans which were also granted consent. Hence, a material start on the development has been made which is clearly evident on Google Earth, during a site visit, or photo evidence can be provided for the avoidance of any doubt. I do not believe a Certificate of Lawfulness would be required, nor necessary to determine this matter.

- There was no condition that stated Mr Pearce had to cease the use of his existing access at this stage, and so the current access is completely lawful and a viably proposed access for the proposed dwelling.

It is therefore considered that the County Highway Officer's conclusion was correct and the condition would could be rightly implemented.

(b) Noise impacts of the development,

- The building is currently utilised for the purpose of housing livestock, machinery, equipment, and fodder. The proposed conversion to residential would have less impact on neighbours by way of noise than large agricultural machinery and livestock, who calf anywhere between January through to August. The closest neighbour is also 93.26m away and screened by mature and dense vegetation. During the previous application, the council's Environmental Health Officer raised no objection with the proposal.

(c) Contamination risks on the site,

- The site has no contamination issue and is utilised as agricultural.

(d) Flooding risks on the site,

- The site is entirely located within Flood Zone 1.

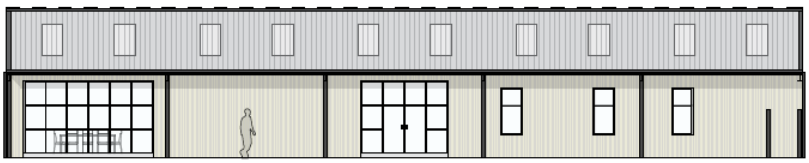
(e) Whether the location or sitting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order,

- The building, in its current use, is an agricultural barn. By nature, they are more often than not, situated in more remote and isolated locations. The buildings very nature is the reason it qualifies under Class Q permitted development rights.

- This matter does not make the proposed dwelling impractical or undesirable. On the contrary, the proposed conversion would be very much sought after. The planning officer of the aforementioned application also concluded in agreement that the siting of the building was of no concern.

(d) The design or the external appearance of the building,

- The design is entirely reflective of a modest barn conversion, retaining the existing roof sheeting, and extending the existing timber cladding to floor length. The only break in existing materials is for the installation of windows and doors, both of which are permitted development.



- Few, but purposeful openings have been included, with a very distinct window pattern utilised throughout the entirety of the build. Large, glazed sections have been incorporated as these are

directly reflective of barn conversions all across the country. It is recognised that the planning officer of the earlier application (ref:DET/2017/0003) seemed to disagree with the incorporation of large glazed sections, stating that:

(7.33) The proposed elevations of necessity are very modern and incorporate large areas of glazing together with timber cladding. The proposals would result in a stark contrast to the appearance of the existing building,

(7.35) It is considered that the proposed conversion would be incongruous with its surroundings, especially due to the large areas of glazing on a big structure.

(7.35) The proposed large areas of glazing will significantly add to its prominence, reflective of sunlight and potentially illuminated at night likely to result in greater, and potentially far-reaching, conspicuousness in the locality.

- Whilst the comments are made on earlier plans, submitted via a different third party, reference to the glazing can still be considered applicable to the revised design as they too incorporate large windows.

- It should be recognised that the subject building is currently utilised for the housing of livestock who can calf anywhere from January through to August. The building is currently equipped with lights which are far brighter than those which are associated with a residential property. The lights are utilised internally, so that Mr Pearce is able to see throughout the entirety of the night, as well as externally, on the front elevation of the building for access by large agricultural machinery at any given point. Above the concrete shuttered walls is Yorkshire boarding spaced apart at approximately 2 inches. Not only would the front elevation of the building be extremely illuminated, but light would egress on all elevations through the timber cladding.

- The proposed conversion would completely enclose the building by ways of making it habitable. The only way that any light would egress is through the installation of purposefully constructed windows and doors. Not only would the internal lights be softer and less powerful than the ones in situ, but residential paraphernalia, such as curtains and blinds, will significantly reduce their impact.

- The closest neighbour is also located 93.26m away from the proposed dwelling and is also screened by existing mature and dense vegetation. Not only do mature trees screen the building to the west, but also to the south. The topography of the surrounding landscape also significantly contributes to the screening of the building from the east and north, with the building hardly visible from anywhere on Tenford Lane.



- The conversion epitomises a modern barn conversion whilst clearly accentuating the existing agrarian character of the building. The proposed development is congruous within its immediate setting and surrounding as it is currently agricultural. The proposed agreement to not implement the poultry shed would also remove any potential conflict for the siting of the dwelling.

4.0 Statement of Case

4.1 Agricultural Building

The development rights are not allowed where:
"...the site was not used solely for an agricultural use, as part of an established agricultural unit (i) on 29th March 2013, (ii) if the site was not in use of that date, when it was last in use; or (iii) if the site was brought into use after that date, for ten years before the date the development under Class Q begins".

The definition of an agricultural unit is:
"Agricultural land which is occupied as a unit for the purposes of agriculture, including
(a) any dwelling or other building on that land occupied for the purpose of farming the land by the person who occupies the unit, or
(b) Any dwelling on that land occupied by a farm worker"

Agricultural land is defined as
"…land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business, and excludes any dwelling house or garden;"

- The building was erected prior to the 29th of March 2013 & the site is completely agricultural.

- Details of how the applicant's holding operates can be found under section 2.1 of this report, with the farm functioning as an organic dairy farm.

4.2 Construction & Curtilage

- The structural integrity of the agricultural building is considered to be substantially constructed and more than capable of conversion in its current form, utilising the existing fabric with no additional materials needed for support and only to make the building habitable.

- Work is restricted to:

  (i) 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);

- To be read in conjunction with the following commentary are Existing and Proposed Cross Sections, Existing and Proposed Elevations and Floor plan, and a structural report provided by TUK Architecture. All information provided demonstrates that the proposed works do not extend beyond that permitted under a Class Q prior notification.

- **Conversion Process:**

- To initially address section (ii) of the above, the conversion does not require the partial demolition of any aspect of the store. It will only include the removal of the current livestock gates and personnel door in the south eastern elevation.

- The existing fibre cement roof sheeting is to be retained and utilised for the proposed dwelling, as there are no visible defects or concerns with it being utilised. Retention of existing materials, where possible, will also help accentuate the agrarian character of the proposed dwelling, and retain its original heritage.

- A weatherproofing membrane will be fastened to the underside of the existing sheeting, with 120mm PIR insulation inserted below and in between the existing timber purlins. 50mm Insulated back plasterboard will be fastened on the underside of the purlins, which will then be skimmed and ready for final finishes.

- At the 20ft intervals throughout the length of the building, where the steel rafters protrude beyond the ceiling, these will be boxed out with 50mm insulated back plasterboard, and also skimmed over ready for final finishes.

- The structural survey and accompanying cross sections demonstrate that the existing reinforced concrete slab is structurally capable of the weight load associated with the proposed residential use, as there is no sign of defect with its current, much more strenuous use.

- 120mm of Celotex insulation is to be laid across the existing reinforced concrete slab, with a damp proof membrane fastened above. A self-levelling screed is to then be poured over at a depth of approximately 60mm ready for final flooring finishes. All proposed floor works are to be constructed within the confides of the existing walls, and above the existing concrete flooring.

- Where there are existing concrete shuttered walls, which enclose the building on 3 elevations, timber stud work will be fastened to the inside and filled with quilted insulation. The stud work will be enclosed with 50mm insulated back plasterboard, then skimmed, ready for final finishes.

- Where the building is currently not enclosed, being 60% of the south eastern elevation only, the existing roller shutter doors, livestock gates, and personnel door are to be removed. In their stead, a timber stud wall is to be constructed between the existing steel frame, except where the installation of windows and doors are required, as per the Proposed Elevations and Floor plan. A weatherproofing membrane will be fastened to the outside, ready for cladding to match the remainder of the building, and insulated back plasterboard will enclose the insulated stud wall, ready to be skimmed.

- Above the existing concrete shuttered walls, timber stud work will be installed and filled with quilted insulation also. A weatherproofing membrane will be fixed between the external cladding and the proposed stud work in order to weatherproof the proposed dwelling. Internally, 50m insulated back plasterboard will be fastened and skimmed, ready for final finishes.

- The conversion is single story and so no provision is necessary for first floor joists.

- Windows and doors are to be installed, as per the Proposed Elevations and Floor Plans. The remaining sections of the building will retain the existing timber cladding, with all proposed cladding as a continuation of the existing above. From an external perspective, there are very few materials associated with the dwelling, with everything except windows and doors, reinforcing a simplistic agrarian character.

- The building already benefits from the connection to water and electric, however, subsequent services will later be installed.

- All of the above work does not go beyond that which is permitted through the criteria of Class Q Permitted Development. The design of the build is modest and simple, and certainly reflects an agricultural conversion.

What works are permitted under the Class Q permitted development right for change of use from an agricultural building to residential use?

The right allows either the change of use (a), or the change of use together with reasonably necessary building operations (b). Building works are allowed under the right permitting agricultural buildings to change to residential use: Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which 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. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.

For a discussion of the difference between conversions and rebuilding, see for instance the case of Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).

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

Paragraph: 105 Reference ID: 13-105-20180615

- As it is not only referenced in the Planning Practise Guidance (PPG), but the officer's report of the previous Class Q Prior Notification, reference to the Hibbitt case is necessary and relevant to the assessment of the subject application.

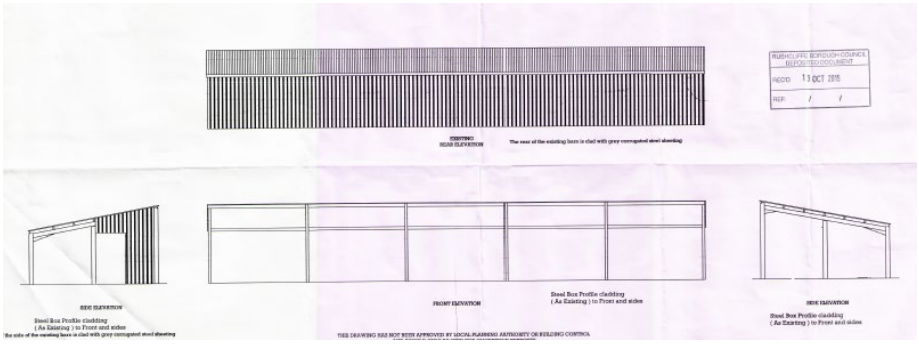
- **The Hibbitt Case**

- Particularly relevant and significant wording has been highlighted for emphasis throughout.

- The fundamental, and well known aspect that the Hibbitt case addressed, was the definitive line between what constituted a conversion, and what was considered a 'rebuild' or 'fresh build'. In the particular Hibbitt case, Mr Justise Green concluded that the works required to convert the barn in question, would go beyond that permitted by Class Q legislation. As the LPA clearly utilise the assessment of the Hibbitt case in accordance with Class Q Prior Notifications within the district, comments and comparison of the actual building are also relevant and necessary.

- The following commentary is taken directly from the report of the High Court of Appeal Case, though the whole document has been submitted, as has the existing elevations of the building.

(10) The building which is the subject of the litigation is a metal framed modern farm building: a metal frame, corrugated sheet and open sided cattle stall. The size of the barn is 30.5m x 7.96m (243sq.m). It has a maximum height of approximately 5 metres with the lowest eaves at a height of 3.2 metres. It is largely open on three sides and was, when the Inspector visited, used to house cattle.



- As depicted, the barn in question had no walls of any merit to any elevation and was only partially clad.

- The conclusion of the inspectorate, which Mr Justice Green subsequently agreed with, stated the following regarding whether the proposal could be considered a conversion or rebuild.

  (14) In this case, the building before me would not be capable of functioning as a dwelling without the building works outlined above which include the construction of all four exterior walls. This goes well beyond what could reasonably described as conversion, and notwithstanding the re-use of the 6 steel uprights as the main structural element for the building and the retention of the fibre roof, the works described would be so extensive as to comprise rebuilding.

- The building failed in its assessment of whether the works required could be considered a conversion, not by the incorporation of a single external wall, but by the fact that all walls needed to be constructed as the building was a skeletal frame with part cladding. Thus, constituting a rebuild or *'fresh build'*, as Mr Justice Green goes on to later state. Whilst the skeletal frame, roof, and floor construction were all capable of the additional loads required, this is where the building stopped in its contribution. The comparison of the subject scheme to a rebuild is not considered to be an appropriate description.

- The building which forms part of Mr Pearce's agricultural holding benefits from concrete shuttered walls to over 200mm in depth, to 2.2m high, on 3 elevations. To convert the barn into a dwelling would require the installation of a single external wall. To recite work which is permitted under Class Q:

  (i) the installation or replacement of—
  *(aa) windows, doors, roofs, **or exterior walls**, or*

- The proposal therefore constitutes permitted development, and structurally speaking, the subject building is much more substantially built than that of the Hibbitt case. I do not believe that the 2 can be compared as similar in this sense, as the planning officer of the previous application concluded (ref:DET/2017/0003), though it is accepted that the revised scheme has been amended considerably and is now compliant with Class Q Permitted Development.

- **Class Q Applications in the East Staffordshire Moorlands District**

  DET/2023/0003 - Change of use of an agricultural building to residential use including associated building works that are reasonably necessary to convert the building for use as a larger dwellinghouse. - Prior Approval Granted - 21/03/2023

- This application was recently granted consent which required the demolition of part of the building, whilst also erecting an external wall.

  The building appears to overall be in reasonable substantial condition, deteriorating sections of the building have been propped and can be repaired and/or rebuilt without significant rebuilding required – the work would amount to the replacement or installation of an external wall. It can be converted into residential use via repairs including re-pointing, and the provision of insulation boarding, a new floor and dampproofing and these are not contrary to a conversion scheme allowed to be implemented under Class Q.

- The above extract is taken from the associated officer's report, which clearly indicates that external walls, along with other repairs, were necessary for the building to facilitate as a dwelling. This was considered acceptable by the district and Prior Approval Granted. This is no different to the subject proposal, with the building in question requiring less work to accommodate a residential conversion.

  DET/2023/0001 - Application to determine if prior approval is required for a proposed: Change of Use of Agricultural Buildings to Dwellinghouses (Use Class C3), and for building operations reasonably necessary for the conversion - Prior Approval Granted - 13/03/2023

- Another application which was recently granted consent via a Class Q Prior Notification. The following extract is from the associated officer's report, with detail to the construction work required.

  The building is generally in a poor condition. The application has been accompanied by a structural report. The report states, that conversion is possible parts of external walls need to be rebuilt parts stitched together. Roof will need additional support and tided into walls. Insulation and DPM needed for residential use. Underpinning of foundations needed. In reading the entire report it is clear to see that the required works are generally those that are reasonably required to allow for the conversion and would generally be able to be undertaken without the need for planning consent. It is noted that much of the work is internal, the re-roofing of a building is allowed within the remits of Class Q.

- Not only was the building permitted approval where it was considered in 'poor condition', but all of the work as listed above was considered acceptable by the district in assessment of whether the scheme was a conversion, instead of a rebuild. The extent of work required goes far beyond that which is required by the subject application.

  DET/2022/0044 - Change of Use of Agricultural Building to one Dwellinghouse (Use Class C3), and for building operations reasonably necessary for the conversion - Prior Approval Granted - 10/03/2023

- The delegated officer's report is not available on the planning website for this particular application. The barn, which was granted Prior Approval consent at a recent planning committee, was a steel portal frame building, open to the front, and only enclosed by single skin metal sheeting on the remaining 3 elevations. The following extract is taken from the Structural report which is found online:

  The external envelope of the building is constructed from single skin metal cladding to both gable elevations and one side elevation. Cladding sheets are supported by timber cladding rails at circa 1.5m centres. The front elevation is currently completely open.

- The building was granted consent and is considered to be significantly worse in terms of structural capability for the purpose of a residential conversion, as well as the amount of work which is required. The building was enclosed by nothing but cladding, with no walls in situ that contributed to making the building habitable. In terms of design, the dwelling retained and incorporated additional metal sheeting for the external appearance of the building. By comparing the 2, it is evident that this is much more incongruous in a rural setting than a building fully clad in timber.

  DET/2022/0040 - Change of use of an existing agricultural building into a single dwelling with associated building operations. - Prior Approval Granted - 13/01/2023

- The above application also required significant amount of work which was considered acceptable under Class Q permitted development rights. The officer's report recited the issues raised in the structural survey provided by the applicant.

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

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

  At p.8: Access to the left side is restricted. Around 2.5m of the wall is below ground level and is therefore retaining, above this is vegetation but appears to be a concrete block outer gable ended wall. The corner of the building is in a very poor condition, and it appears the adjoining retaining wall has collapsed. The ground floor is a stepped concrete block, that will need upgrading / replacing to incorporate insulation and damp proofing.

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

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

- Following the above, the planning officer concluded:

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

- Based on the evidence above, it is clear that the LPA do allow for significant repairs to existing buildings, as well as new **exterior walls,** to permit an agricultural building to be converted into a dwelling.

- In contrast to development which has been accepted in the district, the subject proposal requires no repairs to the existing structure, benefits from concrete shuttered walls on 3 elevations, as well as internally, and can successfully become an attractive rural dwelling which does not detract from the character of the immediate area.

- **Appeal Example – Staffordshire Moorlands**

  Appeal Ref: APP/B3438/W/18/3202031 - Hayes Gate Farm, Star Bank, Oakamoor, Staffordshire ST10 3BN – LPA Ref: DET/2018/0002

- The following example has been cited as the application bares considerable resemblance to the subject proposal, in the context of the form of the original building and also how the inspectorate assessed the appeal. Existing and Proposed plans of the conversion have been submitted, as well as the inspectorate's report.

- The inspectorate describes the building and the work required to convert the building to residential:

  (9) The barn is a steel portal framed structure, with walls composed of block work to the lower parts, with a combination of timber slats and metal sheeting to upper parts. The building is not weather tight, being open above the height of the pens on the inner side, and various gaps elsewhere in the external materials. An open sided lean-to structure to the side of the barn would be demolished as part of the proposal.

  (10) The appellant indicates that the existing structural elements of the barn, and external materials, would be retained, with proposed installation of new windows, doors and installation of the necessary utilities for domestic use. Internally, the walls and roof would be lined with a membrane used as a vapour retarder and airtight barrier, and the roof insulated. The concrete floor would be covered in a damp-proof membrane, insulation, heating and flooring.

- This commentary highlights a very similar approach of converting an agricultural barn to that of the subject application. Although, the concrete shuttered walls that the subject building benefits from are of much more substantial construction than single skin block work walls, and there is no demolition required, or repair to the existing building in any sense. It should be noted that one elevation, as shown on the existing plans, was completely unenclosed with a new external wall proposed.

- The inspectorate later concluded how he deemed the work required should be assessed against Class Q criteria, regarding the structural work necessary:

  (16) That the building would require some building up or replacement of external fabric would not, in this particular case, go beyond the scope of works permissible under paragraph Q.1.(i), which explicitly includes 'installation and replacement' of windows, doors, roofs, or exterior walls. The nature of agricultural buildings will invariably mean that they will not have all of the necessary elements of a residential dwelling, or have them to the necessary standard or condition, hence the provisions of paragraph Q.1.(i). Moreover, whilst the PPG and the notable judgement in the Hibbitt5 case make it clear that the development should not be so extensive as to amount to a 're-build' or 'fresh build', by, for example, reducing the building to a skeletal structure before reconstructing, there is nothing substantive in evidence before me to indicate that is what would occur here. ***The works proposed by the appellant would retain the majority of the existing structural elements.*** *The replacement and/or upgrading of the roof, walls and floor internally to insulate and waterproof the building, and externally for weatherproofing, would, in my view, fall within the category of reasonably necessary for the building to function as a dwellinghouse.*

  (17) In addition, the insertion of windows and doors would fall within the works permissible under paragraph Q.1.(i). I do not share the Council's view that the number of windows proposed is excessive or unnecessary. The proposed floor plans show, by and large, one window to serve each main room or area within the building, or one window to each elevation in corner rooms. The fact that the open plan lounge and dining room would be served by three windows is, to my mind, acceptable in view of its size and depth, and understandable in view of its south-westerly orientation. I shall separately consider

the question of design and appearance below, however, I consider that the proposed windows and doors would be reasonably necessary for the building to function as a dwelling, and would fall within the works permissible under paragraph Q.1.(i).

- From a design perspective, the above commentary demonstrates that large and simplistic openings, similar to that incorporated within the scheme, can be considered appropriate in barn conversions alike.

- From a structural perspective, the subject building requires no repair work to the existing structure, with any of the proposed work not going beyond that which is permitted via Class Q.1, as well as what has been demonstrated as acceptable by historic applications in the district, and those subsequently assessed by inspectorates.

- The proposed work can be considered to comply with Class Q criteria, as follows:

(i) 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);

- ***Additional Commentary.***

- The other reason for refusal was that the planning officer had concerns over the extent of the building work required to convert the agricultural building into a dwelling.

Throughout assessment of the DET/2017/0003 application, the Hibbitt case was considered, the officer stating that the North Plantation building has clear parallels to the structure considered during the Hibbitt determination, the case officer also concluded that there were no arguments over the structural integrity of the building, this also appears to be the case now as the recent report has not highlighted anything of significant structural concern. ***However, similar to the refused class Q there would have to be significant areas of construction works for the intended residential use.*** *The entire south elevation would have to be altered, large, open bays filled in and the roller-shutter doors removed and replaced with wall and windows. The building does not appear to be completely weatherproof, for example there are clear gaps between the timbers of the Yorkshire Boarding. As per the previous application the fact remains that the existing walls give no assistance to making the building habitable and that extensive structural works would be required.*

- This report provided examples of Class Q applications which had been permitted in the Staffordshire Moorlands district, as well as an appeal that had been overturned by an inspectorate in the district, and comparison of the building, known as the Hibbitt case.

- When looking at the 2 buildings, that of Mr Pearce and the Hibbitt case, I do not understand how the 2 are comparable, over and beyond the steel portal frame structure. Regardless of this, the planning officer considers that the installation of single wall, irrespective of its length which is comparable to the size of the building, is beyond what is permitted under Class Q. Again, with no acknowledgement that an appeal in the district has allowed a building with less structural integrity than the subject barn, and a number of permitted Class Q applications have allowed the complete reconstruction of walls,

installation of new walls, re-roofing, underpinning etc. Even buildings which are considered, *The building is generally in a poor condition.*

- *The building does not appear to be completely weatherproof, for example there are clear gaps between the timbers of the Yorkshire Boarding.*

- I would anticipate that the examples of Class Q applications previously referenced in this report were also not weatherproof, nor are the majority of agricultural buildings by their very nature.

- The proposed wall to the southern elevation is solely for the purpose of enclosing the building and making it habitable. The wall provides no structural element to the building, as the structural report also submitted highlights that the building is more than structurally capable to take the additional load associated with a residential conversion, as it is.

- **Residential Curtilage**

- Associated with the dwelling is the residential curtilage which is permitted to be up to the size of the footprint the existing building occupies. The Gross External Area of the barn is 474.52m2, with the immediately surrounding residential curtilage measuring 395.99m2.

"curtilage" means, for the purposes of Class Q, R or S only—
(a)the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or
(b)an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building,

- The land indicated on the Proposed Site Plan in purple hatching mainly utilises the area of hard standing which fronts the barn, as well as access around the entirety of the building. Though as previously cited, the revised application is somewhat different to earlier schemes, comments from the planning officer are relevant to the assessment of the subject application, regarding the associated curtilage.

In this case the building has a distinct yard area, which is different to and smaller than the area that has been identified as the proposed curtilage on the plan. It appears some engineering works would be required to create the curtilage which has been identified and which would be outwith the scope of works permitted by Class Q in any event.

- By the very premise of Class Q Permitted Development, converting an **agricultural building** into a dwelling, the surrounding land is not going to be immediately suitable for residential use. None the less, the gradient and construction of the land surrounding the building is suitable, as existing, to become the associated residential curtilage of the dwelling. Parking is to utilise an area where existing agricultural machinery and vehicles already park.

4.0 Design Component

4.1 Use

- The building would facilitate a single dwelling (C3 residential use).

4.2 Layout

- The proposal does not require alterations to the layout.

4.3 Amount

- Gross External Area:
  474.52sqm

- Gross internal area:
  441.72sqm

- Residential Curtilage:
  395.99sqm

4.4 Scale

- The scale of the dwelling is the same as the agricultural barn in situ.

4.5 Appearance

- The appearance epitomises an agricultural barn conversion with a simplistic yet modern design.

5.0 Access Component

- The site is accessed via Tenford Lane, with Highways historically having no objection to the most recent application. No amendments to the scheme would cause the LHA to differentiate from their previous assessment.

6.0 Conclusion

- This report highlights that the proposed scheme satisfies all aspects of Class Q criteria, with no reason to restrict the development to proceed. The building is structurally capable of conversion and is considerably superior in construction, as well as fit for purpose than similar developments which have already been permitted throughout the district. Additional commentary has been provided to provide clarity on issues raised in the officer's report of the original application.

Signed……..

Jack Henderson

Under Signed……..

Andrew J Large MRICS FAAV

Dated…….