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PLANNING STATEMENT

PROPOSAL : PRIOR NOTIFICATION FOR THE CHANGE OF USE OF AN EXISTING AGRICULTURAL BUILDING INTO A SINGLE DWELLING WITH ASSOCIATED BUILDING OPERATIONS

ADDRESS : WRAGG HALL FARM, BIDDULPH, BIDDULPH PARK ROAD, STOKE ON TRENT, ST8 7SJ

APPLICANT : MR & MRS N DUNN

DATE : JULY 2023 JOB No.: 2021-2589

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INTRODUCTION

1.1 This statement is submitted in support of a prior notification application for the change of use of an agricultural building to a single dwelling with associated building operations at Wragg Hall Farm, Biddulph Park Road, Biddulph. The application has been submitted by Sammons Architectural Ltd on behalf of Mr & Mrs Dunn and is accompanied by drawing numbers 2021-2589-01A, 2021-2589-02A, 2021-2589-10A, 2021-2589-11A and 2021-2589-12, a structural survey undertaken by Cheshire Structural Design Services (August 2022) and a bat activity survey undertaken by Absolute Ecology (September 2021) all of which should be read in conjunction with this report.

1.2 This planning statement assesses the proposed development against the relevant criteria laid out in Schedule 2 Part 3 Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended and the subsequent amendments made to the Government's on line Planning Practice Guidance (PPG), including in respect of Paragraph 105 and concludes that the proposal amounts to permitted development.

2 APPLICATION BUILDING AND ITS SETTING

2.1 Wragg Hall Farm is a working and established holding which extends to some 5.8 hectares. It lies on the eastern side of Biddulph Park Road where the ground rises generally in a north west to south east direction. It comprises of the main farmhouse, which has been extensively extended, along with two large traditional 'L' shaped two storey vernacular outbuildings and a range of more modern portal framed buildings which are set around a loose courtyard setting.

2.2 The application building which is the subject of this application comprises of a two storey building which lies to the north of the main farmhouse on the opposite side of the yard. The main section of the application building comprises of a traditional vernacular stone and tiled two storey outbuilding. A large single storey brick building with steel profiled sheeted roof has been attached to its north western gable. This extension which over sails the narrow width of the main building wraps around the front elevation of the main barn for one bay with the facing material changing from brick to stone at this point. In addition a two storey stone and asbestos sheet roof extension has been added to the south eastern gable of the main building. This follows the linear form of the main building before projecting at right angles to the south west. The application site is served by a single access point off Biddulph Park Road which runs contiguous with its north western boundary. The site lies in an attractive rural area which is characterised by loose scatterings of dwellings and small farmsteads.

3. THE PROPOSED DEVELOPMENT

3.1 It is proposed to convert the existing agricultural building into two dwellinghouses under the Permitted Development rights afforded in Part 3 Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015.

3.2 The scheme as submitted would provide a single dwellinghouse which would comprise of an open plan kitchen, lounge, dining and utility room with separate snug, wet room and store at ground floor with an ensuite master bedroom, three further bedrooms, study and bathroom above.

3.3 As well as the change of use of the building the proposal seeks approval for associated operational development which includes installation of new and alteration of existing window and door openings, installation of new ground and first floor, electric osmosis dpc, insulation of existing walls and roof, replacement of existing door, windows and rainwater goods, provision of internal walls, installation of rooflights and removal of chimney stack.

4.0 PLANNING POLICY

4.1 This is an application for a change of use of an agricultural building to form a single dwellinghouse with details of associated operational development. The submission has been made in order to determine whether or not the prior approval of the Council is required before the development can proceed in accordance with the provisions of Part 3 Class Q of The Town & Country Planning (General Permitted Development) (England) Order 2015. Class Q of Schedule 2 of the GPDO permits development consisting of the 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 (Class Q(a) development). Additionally, Class Q permits building operations reasonably necessary to convert the building to a use falling within Class C3 use (Class Q(b) development). The General Permitted Development Order also defines "development not permitted", and this states that: - Development is not permitted by Class Q if - Q1 (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). PLANNING

PRACTICE GUIDANCE

4.2 The Planning Practice Guidance provides formal guidance on how to interpret the legislation. Paragraph: 105 Reference ID:13-105-20180222: Revision date 22.02.2018 states:-

“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 & 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, roof, exterior walls, water, drainage, electricity, gas or other services 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. “

4.3 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).

4.4 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: 109 Reference ID: 13-109-20150305 | Revision date: 05 03 2015 states;

" When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally, the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals". #

4.5 When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant

5. **KEY ISSUES**

5.1 This is an application for a change of use of an agricultural building to a single dwelling with details of associated operational development. The submission has been made in order to determine whether or not the prior approval of the Council is required before the development can proceed in accordance with the provisions of Part 3 Class Q of The Town & Country Planning (General Permitted Development) (England) Order 2015.

5.2 Class Q of Schedule 2 of the GPDO permits development consisting of the 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 (Class Q(a) development). Additionally Class Q permits building operations reasonably necessary to convert the building to a use falling within Class C3 use (Class Q(b) development).

5.3 In order to show that the above scheme complies with the permitted development requirements each criteria is assessed against the proposal below.

Development is not permitted by Class Q where (a)

the site was not used solely for an agricultural use, as part of an established agricultural unit:

(i) on 20th March 2013;

(ii) in the case of a building which was in use before that date was not in use on that date, when it was last in use; or

(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date of development under Class Q begins.

Wragg Hall Farm is an agricultural holding which extends to some 5.8 hectares. It was purchased by the applicant's father in 2002 and is registered with DEFRA under the holding number 37/0640/538. Whilst

the holding is not farmed as actively as it once was animals are still present on the site and the land is still farmed.

The application building was clearly built and intended for agricultural use and has been in use as such for all of its time. Due to the building's relatively modest openings its use for current modern day farming practices is limited although it is still used for agricultural purposes and provides secure storage for feedstuffs such as hay, corn, straw, smaller farming implements as well as providing isolation pens for animals during periods of illness or lambing etc. It is therefore clear from the above that the site is an established agricultural unit which has been occupied for the purposes of the agriculture and was in such use on the 20th March 2013. The application building forms part of the established agricultural holding of the farm and is being used for agricultural purposes and as such is considered to accord with criterion (a).

(b) in the case of:-

(i) a larger dwellinghouse, within an established agricultural unit—

(aa)the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(bb)the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

(c)in the case of—

(i)a smaller dwellinghouse, within an established agricultural unit—

(aa)the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb)the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following: - (i) a larger dwellinghouse or larger dwellinghouses having more than 465 sq metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; (ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

Prior approval for the change of use of one further building into a single larger dwelling has already been permitted (January 2023) on the site under application reference DET/2022/0040. The submitted scheme proposes the provision of a single larger dwelling which would have a footprint of 299 sq metres with a floor area of 333 sq metres which is less than the 465 sq metres permitted. As such the proposal is considered to accord with criterions (b-d). No other changes have taken place under class Q.

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained:-

(f) less than one year before the date development begins -

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under Class Q unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use,

The application site was not occupied under an agricultural tenancy in the period of 12 months leading up to the date of this submission and therefore criteria (e) and (f) are not considered applicable to this proposal.

(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit since 20th March 2013, or where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins.

No development under the provisions of Classes A (a) or B (a) has been carried out on the holding since 20th March 2013. Furthermore, there is no intention to carry out any such works in the foreseeable future. The proposal is therefore considered to accord with criterion (g).

(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

The proposed development will not result in the external dimensions of the building extending beyond the existing external dimensions of the building and the conversion shall be undertaken entirely within the shell of the existing building. The proposal is therefore considered to accord with criterion (h).

5.4 Paragraph Q.1. (i) places restrictions on the building operations which can be undertaken. It states that development is not permitted if it 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);

The proposed conversion will be created entirely within the shell of the existing building. Existing openings are to be adapted and infilled with new glazed doors and windows. The ground floor will be insulated and levelled and walls and roof thermally upgraded internally. A new suspended timber first floor will be provided to improve headroom and allow the first floor of the building to be fully utilised. Electric and water supplies are currently on site and will be adapted to suit.

The application is accompanied by a Structural Survey which was undertaken by Cheshire Structural Design Services which confirms that the application building is in a relatively good condition with the main members of the roof, floor and wall in a good condition and concludes that the building could be readily converted into a habitable dwelling with minimal structural alterations.

All of the above works amount to building operations that are permissible under criterion (i) and the proposal is therefore considered acceptable in this regard.

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

(k) the site is or forms part of

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area

(l) the site is, or contains, a scheduled monument;

(m) the building is a listed building.

Criteria j to m are not relevant to this application as none of these designations apply.

5.5 As a consequence of the above considerations it is submitted that the proposed development accords with all of the relevant provisions of Class Q. In accordance with the Order we request that a determination as to whether the prior approval of the Local Planning Authority is required for the Class Q(a) development in this instance in regard to:-

a) Transport and highway impacts of the development;

b) Noise impacts of the development;

c) Contamination risks on the site;

d) Flood risks on the site; or

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 and external appearance of the building.

5.6 This prior approval submission has been made in response to the aforementioned requirements and this statement will now consider the proposal in the context of the above matters. In doing so consideration has been given to the provisions of the National Planning Policy Framework.

(a) Transport and highway impacts of the development

The application site and buildings are currently in an active agricultural use and therefore by association there are a significant amount of vehicular movements on a daily basis including at weekends and on a 24/7 basis by both cars, and larger vehicles including delivery vans and tractors and trailers. A previous prior approval for change of use of another building within the holding of Wragg Hall Farm required improvements to the existing access. These have been included within this application, as evidenced on the submitted site plan. Access to the proposed dwelling would be via the improved access which currently serves the agricultural building and would lead to a dedicated parking area for three vehicles as shown on the submitted site plan. Consequently there is sufficient space for vehicles to park and manoeuvre without causing any highway safety issues on the public highway. Taking into account the fact that this access is already used for agricultural purposes it is not considered that the proposal would result in any significant intensification of the use of the site which would give rise to any adverse highway safety impacts. As such the proposal is considered to be acceptable in the context of criterion Q.2(1)(a) above.

(b) noise impacts of the development

The proposed conversion of the agricultural building to a single dwelling would not give rise to any adverse noise impacts and there are no neighbouring land uses that would be detrimental to future

occupants of the building. The change of use would bring about a quieter environment without heavy vehicular traffic accessing the site. The proposal is therefore considered to be acceptable in this regard.

(c) contamination

Historically and to date the site has only ever been used for agricultural purposes. It is proposed that the existing building foundations are utilised and there will be minimal ground disturbance or excavation. Previous excavations have not identified any ground contamination whatsoever at this site. All excavated material for service trenches will be retained on site. The existing building does not contain any harmful materials that would propose any contamination risk. In the unlikely event that any contaminants are identified safe disposal advice will be sought from the Environment Agency. The proposal is therefore considered to be acceptable in the context of criterion Q.2(1)(c).

(d) flooding risks on the site

A review of the Environment Agency's website reveals that no part of the site is in flood zone 2 or 3 nor is it at risk of potential flooding from surface waters. Furthermore, the application site occupies a relatively elevated position which would also ensure that the likelihood of flooding would be extremely unlikely. The proposal is therefore considered to be acceptable in the context of criterion Q.2.(1)(d) above.

(e) Impractical or undesirable

The Planning Practice Guidance (updated 5th March 2015) confirms 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 on public transport for their daily needs. Instead the Local Planning Authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house".

The guidance states that when considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building, is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

The guidance goes on to state that there may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

The guidance furthermore confirms that when a local planning authority considers location and siting it should not be applying tests from the National Planning Policy Framework except to the extent that these are relevant to the subject matter of the prior approval . So for example, factors such as whether the property is for a rural worker or whether the design is of exceptional quality or innovative are unlikely to be relevant. Recent appeal decisions have corroborated this advice confirming that prior notifications cannot be refused on the basis of not constituting sustainable development, as to reach such a conclusion it is necessary to consider the NPPF as a whole, whereas for the purposes of the prior notification only the tests of the NPPF relevant to the subject matter of the prior approval can be considered.

To compare with the examples cited in the Planning Practice Guidance the application building is a traditional valued vernacular building which is structurally sound and easily capable of conversion. The application site lies a short distance from Biddulph Moor which is designated a larger village in the adopted Local Plan and which contains a number of facilities and services including a school, church, public house, shop and petrol filling station as well as a number of employment opportunities as well as the town of Biddulph to the south west. As such its conversion would not result in an isolated dwelling in the countryside. It benefits from existing vehicular access and off road parking and garden areas can easily be accommodated without any detriment to the character and appearance of the site. Furthermore there are no surrounding land uses that would result in detrimental harm to the amenity of future occupiers. A previous prior approval on the site for conversion of a similar agricultural building to a dwelling under class Q has recently been approved under application DET/2022/0040. The location of the site for residential use has therefore been judged and held to be sustainable. It is therefore considered that the proposal is acceptable in the context of criterion Q.2.(1)(e) above.

(f) Design & External Appearance

The application building is constructed from a menagerie of materials comprising of natural stone, Davy blocks and brick under a clay tile, cement sheet and steel box profile sheeted roof and comprises of a permanent and substantial structure. The proposed development retains the existing materials through the conversion of the building, and in addition to these existing materials the development simply proposes the provision and alteration of existing window and door openings, rooflights and removal of the existing chimney stack on the single storey brick structure. A small area of field on the northern side of the building would be annexed to provide a dedicated garden area for the dwelling. This would be enclosed with a drystone wall constructed from local stone and an off road parking area would be provided on an existing hardstanding adjacent to the western gable of the building. Alterations to the overall design and external appearance of the building would therefore be very limited and the proposed conversion will retain the form and appearance of the original building. The design and external appearance of the proposal is therefore considered to be acceptable in the context of criterion Q.2.(1)(f) above.

(g) Provision of Adequate Natural Light

The habitable rooms within the application building will all be served by existing openings which ensure appropriate levels of natural light. The proposal is therefore considered to be acceptable in the context of criterion Q.2.(1)(g) above.

6.0 Conclusion

6.1 Central Government enacted legislation to allow certain works to be Permitted Development which includes the conversion of agricultural buildings to dwellings but subject to certain restrictions and qualifying criteria. This application is not assessed within the Council's Adopted Development Plan but under the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015. Therefore it is a matter of fact and assessment against national legislation (NPPF) and not that which has been adopted by the individual Planning Authority.

6.2 Having regard to the aforementioned information it is considered that the proposal as submitted constitutes permitted development as it would fully accord with the provisions of Class Q of the Town & Country

Planning (General Permitted Development) (England) Order 2015. The Local Planning Authority is therefore respectfully invited to confirm that their prior approval is not required in this instance.