

Planning Statement

Prior approval for conversion and alteration of former
agricultural building to form 1 no. dwelling at
Rakeway Farm, Rakeway Road, Cheadle
For the Estate of Mrs. Martha Doris Beardmore Alcock
(Deceased)

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1.0 INTRODUCTION

- 1.1. Hewitt & Carr Services Ltd. has been instructed by the estate of Mrs. Martha Doris Beardmore Alcock (Deceased) to prepare a prior approval submission pursuant to the provisions of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) for the change of use of an agricultural building at Rakeway Farm, Rakeway Road, Cheadle to form 1no. dwellinghouse.
- 1.2. The application proposes the retention of the existing masonry walls, portal frame, steel purlins and concrete floor of the building, and its change of use to form 1no. dwellinghouse. Associated operational development is proposed in the form of the insertion of new windows and doors, the provision of replacement cladding to the upper elevations of the building and a replacement roof covering. The external walls are to be internally lined to provide required levels of insulation to meet current building regulation requirements.
- 1.3. The proposed dwelling will have a gross internal floor area of 162.37 square metres, and thus will comprise a 'larger dwelling' for the purposes of assessing compliance with Class Q of the Permitted Development Order. The internal accommodation of the proposed dwelling will comprise of a kitchen / diner, living room, two bedrooms, bathroom, utility and study at ground floor, with a suspended first floor introduced to provide a master bedroom with dressing room and ensuite.
- 1.4. Externally it is proposed to provide two off-street parking spaces to serve the dwelling, which will be accessed via the existing access off Rakeway Road that serves the courtyard in front of the farmhouse and adjacent brick built agricultural buildings. An area of private amenity space is to be provided to the north of the building.

2.0 SITE DESCRIPTION

- 2.1. The application site is located wholly within the rural area as defined by the Staffordshire Moorlands Local Plan (2020) and comprises a detached portal framed agricultural building that is located to the east of the existing vehicular access that currently serves Rakeway Farm and two brick and tile agricultural buildings that lie adjacent. Planning consent has recently been granted for the conversion of those buildings to from 1 no. dwelling, served via an amended vehicular access off Rakeway Road (LPA Reference: SMD/2023/0117).
- 2.2. The existing building comprises a portal framed structure that has masonry walls to two thirds of its elevations (a mixture of brick and blockwork), with hit and miss timber cladding / corrugated cladding to the upper third of its elevations. A corrugated fibre cement roof sits atop. The building also has a solid concrete floor.
- 2.3. Open fields extend to the north / east of the existing building, whereupon it is proposed to create an area of private amenity space to serve the dwelling. The approved domestic curtilage of the recently approved barn conversion scheme to the northwest will enclose the western boundary of the proposed amenity space. The site does not lie within close proximity of any statutorily listed buildings, nor does it lie within a Conservation Area.

3.0 CLASS Q ASSESSMENT

- 3.1. The provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 allow for 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. It also allows for building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses).
- 3.2. The Planning Practice Guidance confirms that the right under Class Q permits building operations which are reasonably necessary to convert the building, which may include those which would affect its external appearance and would otherwise require planning permission.
- 3.3. The Planning Practice Guidance also confirms that 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. This guidance reflects the judgement in *Hibbitt and Another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council [2016]* which considered the meaning of 'convert' in the context of a proposal for the conversion of an agricultural building to residential use under Class Q Permitted Development.
- 3.4. The application is accompanied by a Structural Survey prepared by Fairclough Consulting Engineers which has assessed the structural integrity of the building to determine its suitability for conversion to residential use. The Structural Survey confirms that the building is in a robust structural condition and that there is no reason from a structural point of view why it should not be converted into habitable use. It notes that there are some localised areas of corrosion which will need to be rectified, but no re-building will be required.
- 3.5. The application proposes to retain the existing portal frame in its entirety along with all of the existing masonry walls and concrete floor. Underfloor insulation is to be applied above the existing concrete floor slab with the finished flooring sat atop. Insulation and cladding are to be applied internally behind the existing steel frame and external cladding in order to thermally upgrade the building, with new windows and doors inserted into the elevations as shown on the submitted plans. Consequently, the proposal can be held to involve the conversion of the building rather than being tantamount to a new build.
- 3.6. Attention is drawn in this regard to planning appeal decision 3208377 (copy enclosed as Appendix A, with the existing and proposed plans enclosed as Appendices B and C respectively). In that particular case, the existing building comprised of a portal framed structure with a concrete floor, with concrete walls to its lower sections on three sides and hit and miss timber slats / corrugated sheeting to its upper elevations. One side of the barn was open. The proposal entailed the replacement of all the vertical cladding, as well as the roof, along

with the construction of a new elevation to infill the existing open elevation – works that go well beyond that which are proposed in this application. An image of the building is shown in Figure 1 below.

Figure 1 – Photograph of Building Appeal Ref. 3208377



- 3.7. The Planning Inspector determining the appeal cited the Judgment in *Hibbitt* but found that the appeal property would retain its metal and timber frame, concrete floor and footings, timber roof purlins, as well as its existing concrete block walls, reaching the overall conclusion that the barn's structural integrity would not be harmed and a considerable proportion of it would remain, and that the building operations proposed would not constitute a rebuild. It is wholly appropriate for the conclusions in that appeal to be applied to this current proposal, which similarly proposes to retain the existing portal framed structure, the concrete floor and footings, the steel roof purlins, and the existing masonry walls.
- 3.8. Internal walls, including subdividing walls and provision of a suspended first floor, will also be carried out, but such works are permissible under Class Q, with the Planning Practice Guidance confirming 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".

- 3.9. Having regard to the conclusions in appeal decision 3208377 and the provisions of the Planning Practice Guidance, the proposed development is concluded to amount to a 'conversion' and thus is capable of amounting to Permitted Development subject to compliance with the specific criteria laid out under Class Q, which will now be considered.

(a) the site was not used solely for an agricultural use, as part of an established agricultural unit –

(i) on 20th March 2013; or

(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;

- 3.10. The site has long been in agricultural use with the building used solely for agricultural purposes as of the 20th March 2013. Whilst it currently lies vacant, it has only ever been used for agricultural purposes, with no intervening uses. The interior still exhibits evidence of its former use. The proposal is therefore in accordance with the requirements of 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.

- 3.11. The submitted proposal incorporates the provision of 1 no. 'larger dwellinghouses' (defined by the Order as having a floor space of more than 100 square metres) and the cumulative floorspace of the building changing use will not exceed 465 square metres (162.37 square metres). The proposal therefore meets criterion (b).

(b)(a). The floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (Dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres

- 3.12. The submitted proposal does not incorporate a dwellinghouse that exceeds 465 square metres and thus meets the requirements of criterion (b)(a) of the Order.

(b) 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;

3.13. The proposal does not incorporate the provision of any smaller dwellings, and consequently derives no conflict with the requirements of criterion (c).

(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 square 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

3.14. There has been no previous Class Q development carried out within the existing agricultural unit, and the proposal entails a total of 1 no. dwelling whose cumulative floorspace will not exceed 465 square metres. Consequently, the development meets the requirements of criterion (d).

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

3.15. The site is not occupied under an agricultural tenancy and as a consequence the proposal is considered to accord with criterion (e).

(f) less than 1 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;

3.16. There are no agricultural tenancies on the site, nor have there been within the last 12 months, and consequently no termination of a tenancy can, will or has

occurred. The proposed development therefore meets the requirements of criterion (f).

(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 –

(i) since 20th March 2013; or

(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;

- 3.17. No development under Class A(a) or Class B(b) has been carried out on the established agricultural unit since March 2013, nor will there have been any carried out within 10 years prior to the date of the Class Q permission being begun. The proposed development therefore meets the requirements of 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

- 3.18. The submitted proposal will not result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point, and consequently the proposal meets the requirements of criterion (h).

(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);

- 3.19. The building operations proposed within the application amount to the following:

- The replacement of existing roof cladding with tiles
- The installation of replacement cladding
- The insertion of new windows and doors
- The Installation of service connections
- Internal works to provide insulation, flooring, internal walls

- 3.20. All of the above works amount to building operations that are permissible under criterion (i) and which are reasonably required to facilitate the conversion of the

buildings to dwellinghouses. The proposal is therefore in accordance with criterion (i).

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

- 3.21. The site does not lie on article 2(3) land and as a consequence the proposal meets the requirements of criterion (j).

(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;**

- 3.22. The site is not, and does not form part of, a site of special scientific interest, a safety hazard area, or a military explosives storage area, and as a consequence the proposal is meets the requirements of criterion (k).

(l) The site is not, nor does it contain, a scheduled monument;

- 3.23. The site does not comprise, nor does it contain a scheduled monument and the proposal therefore meets the requirements of criterion (l).

(m)the building is a listed building.

- 3.24. The building proposed for conversion is not statutorily listed, and as a consequence the proposal meets the requirements of criterion (m).

4.0 CLASS Q CONDITIONS

- 4.1. Class Q.2(1) also requires 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 the following:
- (a) transport and highways impact 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;
 - (f) the design and external appearance of the building; and
 - (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses
- 4.2. 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 Planning Practice Guidance.
- (a) Transport & Highway Impacts
- 4.3. The proposed development will utilise the existing vehicular access serving the building, the adjacent farmhouse and its associated outbuildings. It is submitted that the proposed residential use of the building will not give rise to any materially greater impacts to highway safety than that which would otherwise arise as a consequence of continued agricultural use, with any agricultural vehicles using that access likely to be slow moving, thereby potentially causing greater impact than cars would.
- 4.4. The above notwithstanding, planning permission has recently been granted for the conversion of the nearby brick and tile former agricultural buildings to residential use a dwellinghouse, and as part of that consent various improvements to the existing site access were approved, including its widening and the provision of new visibility splays (LPA Reference: SMD/2023/0117).
- 4.5. If concerns exist about utilising the existing vehicular access unaltered from its current arrangement, the applicant would be agreeable to the imposition of a Grampian style condition that requires those approved access improvements to be carried out before the Class Q dwelling is occupied. The proposed development is consequently acceptable in the context of criterion Q.2(1)(a).

(b) Noise Impacts

- 4.6. The proposed conversion of the existing building to a dwellinghouse will not give rise to any noise impacts, nor are there are local sources of noise that would materially detract from the amenity of its future occupiers. The proposed development is consequently acceptable in the context of criterion Q.2(1)(b).

(c) Contamination

- 4.7. Land can only be declared contaminated if it either contains a source of pollution, that a pollutant could affect a receptor, and that the pollution can get to the receptor. The site has historically been used for agricultural and is not considered to have been subject to any previous uses that may have resulted in concerns about contamination. Furthermore, there are no uses in the immediate vicinity of the site which may give rise to pollutants. The above notwithstanding, the applicant would be agreeable to installing a gas membrane as part of the conversion works in order to ensure that future occupiers are safeguarded in the event of any unidentified contaminants being present. The proposed development is therefore acceptable in the context of criterion Q.2(1)(c).

(d) Flood Risks

- 4.8. A review of the Environment Agency's Flood Map For Planning confirms that the site is not within Flood Zones 2 or 3, nor is it at risk of surface water flooding. The proposal is therefore acceptable in the context of criterion Q.2(1)(d).

(e) Impractical or Undesirable

- 4.9. The Planning Practice Guidance (PPG) seeks to define what is meant by impractical or undesirable for the change to residential use. It states that the Local Authority should apply a reasonable ordinary dictionary meaning in making any judgement, nothing that impractical reflects that the location and siting would "not be sensible or realistic" and undesirable reflects that it would be "harmful or objectionable". The guidance nevertheless confirms 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".

- 4.10. The siting of the building is not considered to give rise to any concerns about the location being impractical or undesirable for the buildings to change to residential use. The site has also been found under a recent planning application for the erection of 5no. houses on land to the northwest of the site to constitute a sustainable location.
- 4.11. Paragraph X of the Permitted Development Order stipulates that the curtilage provided for any dwelling cannot exceed the area of the footprint of the building being converted. In this case the proposed area of domestic curtilage,

incorporated within the red line of the application site, does not exceed the footprint of the existing building. Consequently, the proposal accords with the provisions of paragraph X in this regard. The submitted proposal is consequently held to be acceptable in the context of criterion Q.2(1)(e).

(f) Design & External Appearance

- 4.12. The proposed development adopts a sensitive approach to the conversion of the building, making use of the limited number of existing openings to provide natural light to the interior of the building. A number of new windows and doors are proposed to facilitate the use of the building for residential use, and the size and position of those windows take their cues from the type of openings one would normally expect to see on a residential barn conversion scheme. A high solid to void ratio will also be achieved. The design and external appearance of the proposal is consequently acceptable in the context of criterion Q.2(1)(f)

(g) Provision of Natural Light

- 4.13. The submitted proposal demonstrates that all of the habitable rooms within the dwellinghouse will be served by adequate natural light, and as such the proposal is acceptable in the context of criterion Q.2(1)(g) above.

5.0 CONCLUSION

- 5.1. Having regard to the aforementioned commentary it is submitted that the proposed development is fully in accordance with the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) and we invite the Local Authority to confirm that their prior approval is not required.