

DELEGATED DECISION REPORT

DET/2023/0039
Valid 17/11/2023

FIELD FARM COMMON
LANE
DILHORNE

NOTIFICATION FOR PRIOR
APPROVAL FOR THE
PROPOSED CHANGE OF USE
OF AN AGRICULTURAL
BUILDING TO ONE
DWELLINGHOUSE (CLASS C3)
AND ASSOCIATED
OPERATIONAL
DEVELOPMENT

(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)

MAIN ISSUES

Applicant seeks a determination as to whether the prior approval is required for details relating to the change of use of a building to a dwellinghouse, and if so, the prior approval of those details, relevant to Class Q, Part 3, Schedule 2 of the GPDO. As a starting point there must be consideration for whether the development would comply with the limitations and conditions at Class Q and whether the development would be permitted at all.

DESCRIPTION OF SITE

The building is a portal frame shed adjacent to an outbuilding, apparently used to kennel dogs, that occupies the space between the building and the applicant's bungalow. All buildings face onto an open yard at the end of an unmade farm track that provides access with Common Lane 50m to the north east. The grouping are surrounded by fields. To the south east of the application building a track leads to a horse arena approx. 30m away.

PROPOSAL

The change of use to a single dwellinghouse with conversion work within the envelope of the building with the construction of new walls, windows and doors.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)

- S01 Spatial Objectives
- SS1 Development Principles
- SS10 Other Rural Area
- DC1 Design Considerations
- DC3 Landscape Characteristics
- T1 Development and Sustainable Transport

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

12/00271/CL_EXG existing use of land as domestic curtilage. WITHDRAWN.

CONSULTATIONS

Publicity

Site Notice expiry date: 19th Dec 2023

Neighbour consultation period ends: 19th Dec 2023

Press Advert: N/A

Public Comments

None

Town / Parish Comments

Awaited

Waste Collection

No issues

Staffordshire Wildlife Trust

Modern agricultural buildings are typically of low bat roost potential, however, they do have the potential to provide feeding perches for brown long eared bats, particularly if there are buildings which are suitable to provide (other) roosting sites nearby. Feeding perches are still classed as a type of roost, and therefore come under the same protections under The Conservation of Species and Habitats Regulations 2017 where it is an offence to recklessly obstruct, damage or destroy a resting place of the species. Therefore, we would recommend a Preliminary Roost Assessment is undertaken prior to determining the application.

Staffordshire County Council Highways

No objection

OFFICER COMMENTS

The site (the building and its curtilage) must be an agricultural building and have used *solely* for an agricultural use (so used for the *purposes of a trade or business*) as part of an established agricultural unit (agricultural land occupied as a unit for the purposes of agriculture) on 20th March 2013.

If the building was in use prior to that date, but not on that date, the building must have been last used for agriculture. If the building was brought into use after that date then it must have been used for agriculture for at least 10 years before the proposed change of use occurs.

The evidence from the applicant in their planning statement says that the building has been in active agricultural use (housing cattle, calves and sheep). However, it is stated that it was not in active agricultural use on the 20th March 2013 but was last used for these purposes and has not been used for any other purpose since- it has remained redundant for a number of years. That would mean that the building has not been used

for more than 10 years. The application does not provide further evidence to substantiate a claim that prior to March 2013, the building was solely used for an agricultural use as part of an established agricultural unit for the purposes of the order and its definitions.

The planning officer inspected the site and building on the 28th Nov 2023. Internally, the building most obviously makes stable provision for ponies or horses. Mid height block walls separate and enclose the interior into 8, roughly 3.5m by 3.5m, stalls arranged equally either side of a central corridor - each stall has a heavy solid door with a bolt lock, necessary presumably to restrain a large heavy animal with strength and a kick, such as a horse. Along the central corridor there was heavy steel bar or rail bolted into the block wall, at a height that would lend itself to the tethering of horses while they are groomed or saddled. Within the stalls there was scattered straw and the remnants of animal waste. In one of the stalls there was a quad bike and plastic tape posts – the type used most commonly to temporarily enclose and rotate grazing horses to prevent the poaching of a field. Outside of the building there was a large plastic shovel, the type normally used to shovel horse droppings or to muck out a stable, propped against its wall. The only access track to a horse arena, a short distance to the south east, runs directly between the building and the arena.

The applicant's structural surveyor inspected the building in June 2023 and took their own photograph of the building, provided with their report. Taken from the outside the photograph shows two wheel barrows propped against the outside wall, the type used to muck out a stable, horse mounting steps on the yard to the front of the building, and a mucking out rake.

Based on the planning officer's observations during their inspection and the evidence of the surveyor's photograph, it is apparent that, contrary to the applicant's statement, the building has been used within the last 10 years most probably to stable horses.

There is also available evidence to indicate that the building was also very likely to have been used primarily to stable horses prior to March 2013. It is apparent that the building's internal arrangement and layout, of a character associated with and strongly indicative of stabling use, are well established and have not been recently introduced.

In 2012 the applicant submitted an application for a certificate of lawfulness, claiming that an area of land formed part of the dwelling's curtilage. That application was eventually withdrawn, however, it was submitted with a statement that gives some indication of how the property was used at that time. The planning statement reads:

"The applicant purchased the Fields Farm in 1980. The property consisted of a dwelling and associated land. Planning permission was granted in about 1982 for demolition of part of the existing house and the construction of an extension.....Permission was also granted for a new barn/stables building which was constructed at about the same time. It is understood that the property has been used in connection with horses."

On the balance of probabilities, and in the absence of convincing evidence to demonstrate otherwise, the only reasonable conclusion is that the building was used primarily to stable horses before the 20th March 2013 and has been used as such

since that date. Certainly the building has been in use within the last 10 years and that runs counter to the applicant's stated evidence.

The amenity and living conditions of future occupiers

Where development is permitted by Class Q the authority must determine whether the prior approval of the authority is required as to, inter alia, 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).

In this case the building is adjacent to and within close proximity of a dog kennelling facility (7m to the south west). At the time of the planning officer's inspection a number of dogs were outside in a series of adjoining kennel pens. The officer's presence on site triggered loud and prolonged barking, the extent of which would adversely and unreasonably affect the amenity and living conditions of an adjacent residential neighbour.

The application does not provide any explanation or address of this issue, and it must be considered on its face from the evidence of the officer's inspection.

If the development were permitted, prior approval would be required and refused as to the building's impractical and undesirable location within close proximity of incompatible, noisy activity. The arrangement and proximity between existing and proposed development and activity, is on balance of probabilities likely to result in a substandard or poor level of amenity and living conditions for the future residents of a dwelling in this location. There would be conflict with policies DC1 and SD4 of the Local Plan in these regards.

CONCLUSION / PLANNING BALANCE

In the opinion of the authority the proposed development does not comply with the conditions, limitations or restrictions specified at Part 3, Class Q specifically because:

The evidence does not demonstrate that "the site" (the building and its curtilage) were used, solely for an agricultural use as part of an established agricultural unit on 20th March 2013 or when it was last in use. This means that the change of use involved to convert and use the building as a dwelling is not development permitted by Class Q. Evidence available on inspection of the site and in reports submitted with the application show that on the 'balance of probability' "the site" has been used to stable horses and not for purposes associated with an agricultural trade and business.

If the proposed development were permitted prior approval would be required and refused as to the building's impractical and undesirable location within close proximity of incompatible, noisy activity. The arrangement and proximity between existing and proposed development and activity, is on balance of probabilities likely to result in a substandard or poor level of amenity and living conditions for the future residents of a dwelling in this location. There would be conflict with policies DC1 and SD4 of the Local Plan in these regards.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst

Recommendation Date: 11th January 2024

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council