

DELEGATED DECISION REPORT

DET/2023/0040
Valid 27/11/2023

RAKEWAY FARM RAKEWAY
ROAD
CHEADLE

PRIOR APPROVAL FOR
CONVERSION AND ALTERATION
OF FORMER AGRICULTURAL
BUILDING TO FORM 1NO.
DWELLING

(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)

MAIN ISSUES

- Whether or not the application and proposal details as submitted comply with GPDO (2015) Schedule 2 Part 3 Class Q – permitted change of use.
- transport and highways impacts;
- noise impacts of the development;
- contamination risks on the site;
- flooding risks on the site;
- 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 (dwelling houses) of the Schedule to the Use Classes Order;
- design or external appearance of the building;
- the provision of adequate natural light in all habitable rooms of the dwelling house;
- Part 3 paragraph W (procedure for applications under Part 3 prior approval) including assessments of impacts or risks.
- Part 3 – paragraph X.

DESCRIPTION OF SITE

A former agricultural building (as described by the Planning Statement), constructed using a steel frame with combination of brick and blockwork walls, timber and corrugated upper wall sections and corrugated cement roof sheeting. The building sits close to the road and to the south-east of a currently vacant farmhouse and additional barn building. Access to the application building appears to be shared with the main dwelling and existing barn building which sits towards the rear of the site. A roadside, hedgerow boundary currently screens very little of the building due to it having been cut. The building does not appear to be used at the moment and the dwelling and further outbuilding also appear to be vacant.

Open fields surround the site. There are a few other properties within the area but the main settlement is Cheadle to the west/north-west.

The property is within the open countryside but not within a designated Green Belt. This is not a Conservation Area site, there are no listed buildings/structures within the vicinity and records do not show the building as being within a flood risk area/zone. There are no protected trees within the site or nearby. Records show the building as being within a low-risk coal development area.

PROPOSAL

This is a prior notification application for the residential conversion of the building under the Class Q provisions of the General Permitted Development Order. At ground floor level the proposed dwelling would have a study, utility room, bathroom, a further WC, living room, kitchen/dining room and two bedrooms. At first floor level there would be a bedroom with ensuite. The remaining first floor space would be given over to a replacement bat roost area. The application does not propose to increase the size of the building.

Externally there would be alterations to the building including the insertion of windows and doors, provision of a new clay tile roof and replacement cladding. Externally there would be parking space for two vehicles and a patio/lawn area on the north/north-eastern side of the building.

The application is accompanied by a Bat Survey report by S. Christopher Smith (dated 17th January 2024), a Planning Statement, a Structural Engineers Inspection Report (dated 28th October 2022) and an appeal decision dated March 2019 in the area of Boyton Launceston.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan

SS1	Development Principles
SS10	Other Rural Areas Strategy
SD4	Pollution and Water Quality
SD5	Flood Risk
H1	New Housing Development
DC1	Design Considerations
DC2	The Historic Environment
DC3	Landscape and Settlement Setting
NE1	Biodiversity and Geological Resources
NE2	Trees, Woodland and Hedgerows
T1	Development and Sustainable Transport
Appendix 2	Parking Guidance

Supplementary Planning Guidance

1. Design Principles for Development in the Staffordshire Moorlands
2. Space About Dwellings

Supplementary Planning Document

1. Staffordshire Moorlands Design Guide

National Planning Policy Framework

Including sections;

2. Achieving sustainable development
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
9. Promoting sustainable transport

11. Making effective use of land
12. Achieving well-designed and beautiful places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

No planning history can be found which relates directly to the building the subject of this application, however there are two applications which relate to the farmhouse, other barn building and land to the north-west.

SMD/2023/0116 Erection of 5 dwellings and formation of vehicular access. Refused.

SMD/2023/0117 Conversion, extension, and alteration of former agricultural buildings to form 1 no. dwellinghouse, external alterations and extension to existing farmhouse, and the formation of new vehicular access. Approved.

CONSULTATIONS

Publicity

Site Notice: Expired.

Neighbour consultation period. Expired.

Public Comments: One letter of representation which can be summarised as follows;

- Proposal alters the purpose of the farm site.
- Precedent for other alterations
- Access to the site is a hazard which would become more so if dwellings are proposed.
- This is a farming site, removes a farm building which would serve as a utility for a working farm.
- Consideration should be given to the whole site.
- Lots of healthy farmland is being lost to quarrying and development.
- Areas with diseased trees and poor quality soil should be surveyed before green lands are used.

Cheadle Town Council: No representations received during the statutory consultation period.

Conservation Officer (SMDC): Object. Refusal is recommended.

Rakeway Farm though not a listed building is a Historic Farmstead, part of the relationship between the trio in this area consisting of Rakeway Castle Farm to the north and Rakeway House Farm to the south west. The latter have monument UIDs: MST21346 and MST251674. Whilst the former does not, nonetheless the survival condition and courtyard arrangements across them exhibit historic value and therefore heritage interest.

An appraisal conducted by myself on site at a prior time in 2023 consists of the following:

'The farmhouse at Rakeway farm is generally in good condition, though barns and former agricultural storage are in an expected deteriorated state. The main farmhouse is of an unusual orientation with no obvious frontage or approach, such a thing is typically seen for example through symmetrical fenestration or obvious entrances. This further adds to its vernacular charm and significance.'

Access was gained around the property and barns. It appears very little interior features remain, fireplace surrounds appear modern though chimney breast and flue placement in the floorplan are original. Original flooring materials - Quarry tiles in situ at ground floor, possibly laid straight to earth.

Farmhouse roofs and chimneys appear in good condition, lintels, cills and some guttering remain. No decorative bargeboards are seen, there are only basic fascias possibly added at a later date.

Fenestration is of a simple scale and size, no real intricacies or decoration to note.

At the barns there is an expected mix of modern materials. It was seen on site large quantities of spare clay roof tiles were stacked up against some walls. Peg holes evident in the pattern of the lip demonstrative of a historic build date, possibly related to the site. Confident if so these can be retained or salvaged for patch repairs if relevant.

The elevations of the barns are basic, some timber shutters and doors remain in the first floors. timber shutters in slightly better condition to doors. Rhombus brick patterns with alternating holes remain in some elevations, the small ones decorative though larger ones are often demonstrative of small or basic dovescotes or bird entries. One rhombus appears blocked up altogether with cement but still legible.

At the south west elevation of the barns (facing Rakeway Road) a set of stone steps to the first floor of the one barn remains, it was seen a top piece of the steps contains a benchmark masonry symbol.

The current proposal sees the conversion of the later barns to the east into substantial and contemporary living accommodation. They are sited in a prominent gateway location and principal elevation to the site in relation to the road, with long ranging views east and west afforded by the lay of the topography here. The lane is quite open, and there are also long ranging views north and into the rest of the site.

The scheme looks to transform the later barns into quite overbearing modern dwellings. The style has been confused between what reads as agricultural, yet contains uncomfortable fenestration, cladding and extensive glazing. There is no precedent for this concept in this vicinity, with the traditional and quiet farmhouse adjacent.

I draw attention to the previous and now approved scheme at the farm SMD/2023/0117 which actively looks to reinstate and restore the vernacular of the traditional English farmhouse, with other further sensitive interventions. On the contrary, the proposed scheme under DET/2023/0040 looks to drastically 'undo' any efforts to restore this historic farmstead to its former glory, and instead creates a particularly unsightly addition in immediate proximity, that contributes nothing to the historic interest of the area.

To conclude:

By virtue of the scale, material palette, design and its prominent location at the top of the site, the scheme is not harmonious with the surroundings and looks to cause substantial visual obtrusion.

This scheme contravenes the following Local Policy:

Policy DC1. In particular:

"...be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, height, density, layout, siting, landscaping, character and appearance".

Severn Trent Water: No representations received within the statutory consultation period.

Staffordshire Wildlife Trust: Initial holding objection due to an ecology survey not having been submitted with the application, or mitigation measures for roosting bats included within the proposed drawings.

Revised plans and additional information consisting of a bat survey/report undertaken in January 2024. Staffordshire Wildlife Trust have reviewed the information and now confirm their holding objection can be removed.

Environmental Health: No objection subject to conditions.

Waste Services (SMDC): No issues regarding waste collections.

Staffordshire County Council Highways: No objections subject to conditions.

OFFICER COMMENTS

Principle of Development

The Town and County Planning (General Permitted Development) (England) Order 2015 (As amended) allows, within Class Q, for the change of use of an agricultural building and any land within its curtilage to a use falling within Class C3 (dwelling houses) as well as building operations reasonably necessary to convert the building into a dwelling house.

It is clear that a Class Q development is not permitted if the site was not solely used for agricultural purposes as part of an established agricultural unit on (i) 20th March 2013, (ii) in the case of a building which was in use before that date but 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 development under Class Q begins.

Agricultural building is specifically defined at paragraph X to part 3 as meaning a building “used for agriculture and which is so used for the purposes of a trade or business”. Part X (Interpretation of Part 3) states that for the purposes of Part 3 ‘established agricultural unit’ means agricultural land occupied as a unit for the purposes of agriculture and ‘agricultural building’ means a building (excluding dwelling house) used for agriculture and which is so used for the purposes of a trade or business; ‘agricultural use’ refers to such uses.

The application is accompanied by an appeal decision dated 21st March 2019 from the Boyton, Launceston area. The contents of the appeal decision are noted however, it is important to note that each application is determined on its own merits and what may be acceptable for some developments/locations, may not be acceptable in other cases, given that each building has differing characteristics.

With regard to the criteria at Q1(a) it is considered that this subsection is complied with. The application building and site as a whole has clearly been used only for the purposes of agriculture, there is no evidence to suggest otherwise. Documents associated with recent applications elsewhere on the site (including the Case officer report) make reference to the site being vacant but having had agricultural use. The architect has supplied two drone photographs and a Street View image of the building/surrounding site. The farmer was a former District Councillor and it is known that farming activities were ongoing at this site within the last 10 years and that there have been no subsequent uses.

The application complies with the criteria of section Q1(b) and Q1(ba) as there are no other Class Q dwellings on this site and therefore the floorspace change of use (via a Class Q) does not exceed 465 square metres.

Q1(c) is not relevant as this provision relates to smaller dwelling houses only.

Q1(d) is not applicable as there are no other Class Q permissions on this site and the scheme complies with parts i and ii.

Q1(e) and (f) are complied with as the application forms state that the site is not currently occupied under an agricultural tenancy agreement and no Part 6 development has occurred so there is compliance with Q1(g).

Q1(h) is complied with as the development is not enlarging the building.

Q1(i) states that development under Class Q(b) 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 report confirms that the instruction was to '*Inspect and report on the structural load bearing elements of the property*' that the '*inspection report is limited in its scope to the instructions.*' Further clarification concerning the extent of the report is also given, by stating that '*our inspection was a visual inspection internally and externally*' and '*it should be appreciated that we cannot offer any guarantee that the property will be free from future defects or that existing defects will not become worse.*' The first issue here is that the Structural Report is dated 10th October 2022. The architect has been asked if there is a more recent report, the response being that there is not. The architect informs that the conclusions in the report set out that the building is in a sound, robust condition and it is highly unlikely to have deteriorated in the intervening period. However, the LPA has to be sure at the time of determining the application that the building is fit for purpose (in so far as compliance with the relevant Class Q provisions) and the lack of an up to date structural survey means this cannot be verified. There has been considerable intervening time for any existing or new defects to have become apparent.

A second point to note is the report confirmation that no inspection of '*other parts of the structure which are covered, unexposed or inaccessible*' has taken place, with the writer continuing to state that '*we are therefore unable to report that any such part of the property is free from defect.*' For example, there has been no inspection of any foundations (if they exist). The Proposed elevations plan shows that some of the field ground level is to be reduced, the Structural report makes no reference to this so it is unclear whether there are any structural issues with the 'hidden' parts of the building.

The well-known Hibbitt case (heard by Mr Justice Green in the High Court) considered the matter as to what was conversion or re-build to be one of planning judgment. He considered

the term 'fresh-build' to represent a situation where the structural frame would remain but the walls would in effect be built afresh commenting, "In fact a more apt term than "rebuild", which also encapsulates what the Inspector had in mind, might be "fresh build" since rebuild seems to assume that the existing building is being "re" built in some way."

There would have to be significant areas of construction works to provide the intended residential use. Paragraph Q1(i) states that development is not permitted if the works 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.

The Structural report concludes in part that '*New internal dividing walls will be required to form habitable spaces. Because of the internal height of the barn these walls will have to be structural to resist differential internal air pressure and for stability. These walls should be used to support any additional load from mezzanine floors, first floors, or ceilings.*' It is considered that internal structural walls go beyond the scope of allowance within paragraph Q1(i). This is not a conversion as it is clear that structurally the building needs further work done to it (ie internal walls). The frame of the building is not bearing the load of the conversion.

The entire north-eastern facing elevation would have to be altered, including large openings being created for windows and significant areas of existing defective cladding being removed and replaced. The south-east, south-west and north-west elevations would see significant alterations due to their current condition and requirements for domestic accommodation.

The building does not appear to be completely weatherproof and existing walls give no real assistance towards making the building habitable. All elevations would need some form of construction work, this is in addition to the uncertainties regarding the foundations (if any), unknowns surrounding the structural integrity of the frame, any other 'hidden' structural elements (structural survey was purely based on visible parts of the building and bearing in mind the date which the Structural Survey was undertaken) and the necessity of internal structural walls to allow formation of the domestic accommodation. In this instance it is found that the building works required to provide residential accommodation go well beyond those which might sensibly or reasonably be described as a conversion. It is widely known that it is not the intention of the permitted development right to include the construction of new structural elements for the building. The success of the scheme would certainly be reliant on new build elements.

Paragraph W (3) expressly provides for the LPA to refuse an application where "in the opinion of the authority the proposed development does not comply with or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions specified.'

Q1(j) Complied with as the site is not on article 2(3) land.

Q1(k), (l), (m) are complied with as the is not (and does not) form part of a SSSI, safety hazard area or a military explosives storage area. The application building is not (and does not contain) a scheduled monument and is not a Listed building.

Part X states that "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, whichever is the lesser.

The proposed domestic curtilage as referred to within Part X (Interpretation of part 3) equates to a plot of approximately 248 square metres. The building footprint size is approximately 128 square metres, meaning that the domestic external amenity space equates to approximately 120 square metres and is situated immediately beside the building. This scheme complies.

Condition Q2 of Class Q requires the Local Planning Authority to determine whether or not prior approval is required in respect of;

(a) transport and highways impacts of the development,

(b) noise impacts of the development,

(c) contamination risks on the site,

(d) flooding risks on the site,

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

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

(g) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.

The provisions of paragraph W (prior approval) must also be applied and the Local Planning Authority must have regard to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

Transport/highways

Access to the application site is via an existing farm gate serving the main farmhouse and the brick barns which have now secured planning consent for residential conversion. Two parking spaces are proposed, which complies with the Staffordshire Moorlands Local Plan parking standards requirement. The Highways officer confirms that 'Current records show that there were not any Personal Injury Collisions on Rakeway Road within 120 metres either side of the property accesses for the previous five years' and that 'Rakeway Road is a classified road (Road No. C9) with a speed limit of 40 mph.' The Highways officer comments that cycle and bin storage facilities have not been shown on the plans, however this is not a Class Q requirement. In any case, there is ample space within the red edge curtilage to provide these facilities if needed. The Highways officer goes on to say that the site is not a sustainable location and that all trips are likely to be made by car. In this instance it must be borne in mind that there is an existing dwelling on this site and its 'location' was considered acceptable. To conclude, the Highways officer states there are no objections subject to the imposition of a condition.

Noise and contamination

Environmental Health officers (EHO) have assessed the application and have no objections to it in terms of noise or contamination matters. There is no evidence of any significant noise issues here, Environmental Health have not raised any noise related concerns. The whole site appears to be earmarked for development (based on the recently approved dwelling upgrade and conversion approval). Extent permissions provide a total of two dwelling houses on this site, this Class Q scheme would see a third. There are no issues regarding three dwellings on this site. In any case, EHO recommended conditions include restricting the hours of conversion works and noise management.

It is recognised that the site has been used for farming activities, there may be some associated contamination, however Environmental Health are satisfied that a full contamination assessment is not needed and matters can be dealt with by suitably worded conditions.

Flooding

The application site is not within any area known for flooding.

Location/siting

This point allows for consideration of whether the location or siting of the building makes it impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwelling houses). The application site can easily be accessed by vehicles due to the existing driveway serving the farm yard and the County Highways officer raises no objections relating to parking provision or access onto Rakeway Road. It has already been established that there would be no issue in respect of noise or contamination and that previous, very recent applications have accepted the suitability of the site in terms of its sustainable location. However, there are concerns with regard to the location and siting of the building and the way that the building relative to the adjoining traditional farmstead, as detailed below, particularly in light of the Conservation officer comments.

Design/external appearance

This is not a traditional stone and tile barn building, rather it is a modern, steel-framed type of structure which is functional in its form, shape and materials type. The proposed use of vertical timber boarding does not cause any great concern in terms of visual impact. This type of boarding can be found on many other agricultural buildings within the Staffordshire Moorlands area, the same can be said for blockwork walls. However, the issue with this scheme (in design/external appearance terms), is the extent to which the elevations are to be altered. One existing opening within the single storey section is to be reused but the remaining building is to be significantly changed by reason of the extent of new glazing and window proportions. The large openings do not display any agricultural character, their locations seemingly chosen as a result of the internal layout. These concerns are echoed by the Council's Principal Conservation officer who states that 'the style has been confused between what reads as agricultural, yet contains uncomfortable fenestration, cladding and extensive glazing. There is no precedent for this concept in this vicinity, with the traditional and quiet farmhouse adjacent.' It is recognised that the subject building is not listed and that it does not form part of any listed building setting. However, barn character needs to be preserved and it is clear that this scheme does not do this.

Natural light in habitable rooms

Part X defines habitable rooms as 'any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms.' The plans are clear in showing that all habitable rooms would have sufficient natural light.

Protected Species

A Bat Mitigation report has been submitted to accompany the application. Whilst the front cover of the report gives a date of 17th January 2024, it is noted that the Contents page identifies emergence surveys having been done on 10th August, 24th August and the 1st September 2022. The confirmation of bats using the building has led to the inclusion of a void in the upper floor/roof section of the building. Details of the works needed are provided. The report summary informs that in addition to the mitigation requirements, methods of working must also be put in place with the contractors. Following receipt of the amended drawings (showing bat loft), Staffordshire Wildlife Trust have removed their holding objection.

Coal Area

The application site is within an identified Coal development low-risk area. Within such areas there may be unrecorded coal mining related hazards. It is recommended that in the event of planning permission being approved, that informative notes are added to the decision to remind/inform the applicant/developer of their responsibilities.

CONCLUSION / PLANNING BALANCE

For the reasons set out within the report it is recommended that the application is refused.

OFFICER RECOMMENDATION : Refuse

Case Officer: Lisa Jackson
Recommendation Date: 2/2/2024.

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council