

DELEGATED DECISION REPORT

DET/2023/0045
Valid 05/12/2023

MILL FARM GRATTON
LANE
GRATTON

**APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A
PROPOSED: CHANGE OF USE
OF
AGRICULTURAL BUILDINGS
TO ONE DWELLINGHOUSE**

**(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 'site' (the building and its curtilage) appear on a wider unit of land that was granted a change of use planning permission in 2003 to provide an excavator training facility.

The building is a portal frame lock up shed with two large roller shutter doors facing out onto the driveway and access to the excavator training facility to the east.

PROPOSAL

The change of use to a single dwellinghouse with conversion work within the envelope of the building with the replacement of roller shutter doors with vertical windows and new sections of wall, a new door would be installed at the rear. There would be a parking space adjacent to the dwelling and a small area of amenity space to the rear.

This is the second attempt application to gain prior approval for the detail of the proposal.

With this submission the applicant:

- makes further submissions relative to the extent of the 'site' in the context of the definitions in the GPDO
- provides additional supporting statement relative to the agricultural use and the scope of the agricultural unit
- clarifies that the occupant would have connection to the commercial uses on adjacent land (family member)

- suggests that a noise assessment or scheme of protecting the dwelling from the noise of neighbouring uses could be required by a type of pre commencement condition

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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

03/01068/FUL Change of use of agricultural building to excavator training centre.
 REFUSED.

Considered to be inappropriate development in the Green Belt and not to be a case of genuine rural/farm diversification. With that application the agent refers to the site in a statement as a small 18 acre (7.5ha) holding which no longer operates as a viable farm enterprise.

03/01349/FUL Change of use of agricultural building to excavator training centre.
 APPROVED.

Approved subject to conditions limiting number of vehicles and students i.e. a more constrained permission. The agent again confirms in a statement that the farm enterprise is no longer economically viable. The approved plan confirms the training centre site/planning unit with a red edge that includes the central building an adjacent shed, the access with Gratton Lane, land for training to the rear, AND the land on which the subject building of current application sits.

Permission was clearly implemented and the use still operates today – the primary use of the planning unit.

09/00434/FUL Replacement agricultural shed. APPROVED.

When application was submitted replacement building was almost complete. Statement from applicant states that building is built on the original footprint of the fire damaged building. Email note from applicant states that they had mowed 30% of their land and would store the hay in the new barn.

11/00853/PNOT_1 Implement storage shed. Prior approval not required.

This relates to the subject building of this current application.

DET/2023/0015 Change of Use of an agricultural building to form dwelling. PRIOR APPROVAL REQUIRED & REFUSED

CONSULTATIONS

Publicity

Site Notice expiry date: 30th Jan 2024

Neighbour consultation period ends: 30th Jan 2024

Press Advert: N/A

Public Comments

None

Town / Parish Comments

Parish Council: Awaited

Environmental Health

Object. Recommend refusal. There is insufficient information to assess the impacts of the existing business uses on the amenity of the future occupiers of the proposed dwelling.

Peak and North Footpath Society

We note that the PROW Endon with Stanley 49 is close to the proposed building.

If planning permission is granted, please include a condition that there must be no obstruction of any public right of way. Should a temporary or permanent obstruction be unavoidable, then no development should take place until a Diversion Order has been confirmed, and the diversion route, with a satisfactory surface and adequate width and marking, is available for public use.

Use of the PROW, and the safety of users must not be affected by the development, nor during the work taking place.

Ramblers

PROW Endon & Stanley 49 runs close to where the development is to take place.

There is no mention of what effect it will cause on the path. This path must be protected and kept open for the public during or after the proposed development has taken place.

OFFICER COMMENTS

Part 3 Class Q of the GPDO permits a change of use of an agricultural building and *any* land within its curtilage to a dwellinghouse. The site must have been 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. Site means the building and *any* land within its curtilage.

A point of objection to the previous application was that part of the agricultural building's curtilage, the area immediately to the front of the roller shutter doors, was used for other non-agricultural purposes (used as the access to the excavator training facility); and that it was not clear that the site had been used solely for an agricultural use as part of an established agricultural unit.

The proposed block plan submitted with this application does not include that area of the building's curtilage as part of the proposed/application site for the dwelling. The roller shutter doors at the front would be replaced with windows and that elevation would be hard against the application site boundary and the edge of the access track. 'The site' therefore, includes the building and the part of the building's curtilage that is to the side and rear of the building and excludes the area of curtilage to the front. In other words the proposal is not seeking to change the use of the part of the building's curtilage that was used for other purposes.

In 2003 planning permission was granted for a change of use of Mill Farm and its agricultural land to an excavator training centre. However, in 2009 planning permission was granted for a replacement agricultural building following fire damage and in October 2011 agricultural prior approval was granted for the subject building.

It is the applicant's evidence that, rather than create a mixed use planning unit, the training centre's planning unit, established with the permission in 2003, was essentially divided in half to create two adjacent planning units - the training centre to the east and the agricultural site to the west. It is said in supporting statement that the agricultural site to the west, that includes the application site, was in 2013 used as part of a wider established agricultural unit that included – 6 acres at Mill Farm and 18 acres on the A53. It is said that the land was farmed by the late Fred Williamson until his death in 2014. A neighbour says that the farm was engaged directly with stock and harvesting in the traditional way. It is also evident that a claim for Agricultural Property Relief was submitted to and accepted by HMRC following Mr Williamson's death.

The evidence relative to the use of the agricultural unit and its purpose for trade and business is not detailed - the extent or locations of the unit are not mapped, livestock housing and stocking levels not provided, no evidence of accounts from that time. We are instead asked to accept the claim on its face and the implication that references to agricultural use in the statements from Mr Williamson's son, a neighbour, and an estate valuer mean that such activities were conducted for the purposes of trade or business. On balance, and in the absence of countervailing evidence, it is considered, however, that the claims can be taken on their face and accepted for the purposes of this assessment.

It is considered, therefore, that objections based on the site being used for other, non-agricultural uses, or not having been part of an established agricultural unit, should no longer be sustained.

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 proposed dwelling would have principal windowed outlook with immediate proximity to the edge of the access drive to the training facility, within 7m of a large shed (that at the time of an officer visit was being used to repair and maintain vehicles with angle grinding audible), 30m of the training facility building, and 60m of the open excavator training and practice area.

Environmental Health have objected to the proposal - concerned about the impacts of inherently noisy activity, outside the control of any future resident, within close proximity.

There would be concern here about providing or permitting an open market single dwellinghouse on such a site in such a location. Essentially the dwelling would have limited available amenity space and be isolated and surrounded by agricultural or commercial uses – an undesirable form of development and contribution to the housing stock. The arrangement and proximity between existing and proposed development and activity could result in a substandard or poor level of amenity and living conditions for the future residents of a dwelling in this location.

However, in this case the applicant makes it clear that the dwelling would only be occupied by a family relative of the site operator. They would be satisfied with a condition that restricts occupancy to persons that have connection with the adjacent uses. In these circumstances, the occupant would not have the same expectations or sensitivities relative to adjacent noise and living conditions. Moreover, they have also suggested that a noise assessment and scheme to protect the dwelling from noise be required by condition.

This alleviates concerns in these regards. On this basis objections on these grounds should no longer be sustained.

Transport and Highway Impacts

Paragraph 111 of the NPPF states that “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”. Gratton Lane is a C-classified road and is subject to the national speed limit. Current access to the site is a gravelled access off the main road, with a gated access into the site measuring approximately 6m wide. This track is bordered by low wooden fencing on either side of the track. The access is located on the outside of a slight bend, providing good visibility upon entering and exiting the site. The proposed dwelling will generate a similar number of traffic movements as the existing permitted use of the site. It will also replace agricultural vehicles with smaller cars, which can be seen as a benefit to the public highway and surrounding environment. The parking and turning of vehicles would be well within the site clear of the public highway.

Contamination Risks

There are no records of contaminated land within the vicinity of the site and as such there appears to be no potential contamination risks to future occupants of the building. The building is used for the storage of agricultural machinery and has been used for agricultural purposes for many years. It is therefore unlikely that there have been any contaminants which would pose any risk to a sensitive end-use such as residential, as they would still be evident on the surface.

Flood Risk

The Environment Agency's flood maps show the site as being within Flood Zone 1 where there are no significant or unacceptable risks to residential development from river flooding. Given the site is in close proximity to a small brook, a Flood Risk Assessment was commissioned to reaffirm this idea. The Flood Risk Assessment has

been submitted alongside this statement. It concluded that the site was at low risk of both surface water and fluvial flooding.

Design and External Appearance

The external appearance of the dwelling would involve minimal external changes and the character of the existing building would be largely retained, making use of the existing structure for conversion and maintaining existing openings. The General Permitted Development Order permits external alterations provided they are reasonably necessary for the conversion of the building into a dwelling. The proposed external works have been designed in accordance with this criteria, to retain the original fabric in its current position, whilst inserting new windows to the exterior walls to support functionality of the building as a dwelling.

The provision of adequate natural light in all habitable rooms

As part of the application a number of new windows and doors are proposed with each habitable room benefitting from at least one glazed opening. As such it is considered that there would be an adequate amount of natural light provided for each habitable room within the dwelling house not to adversely impact on the amenity of future occupants.

CONCLUSION / PLANNING BALANCE

The applicant can rely upon the provisions at Part 3 Class Q of the GPDO to provide a small residential unit for persons that have family connection to the owner and operator of the adjacent commercial premises. Previously stated objection have been addressed with resubmission, clarification, and additional information.

OFFICER RECOMMENDATION : Prior Approval Required and Granted

Case Officer: Ben Hurst

Recommendation Date: 2nd February 2024

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council