

DELEGATED DECISION REPORT

DET/2024/0011
Valid 08/04/2024

STANLEY FARM
BUNGALOW DIAL LANE
CONGLETON

**APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A
PROPOSED: CHANGE OF USE
OF AGRICULTURAL
BUILDINGS TO ONE
DWELLINGHOUSE (USE
CLASS C3), AND FOR
BUILDING OPERATIONS
REASONABLY NECESSARY
FOR THE CONVERSION**

**(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)**

MAIN ISSUES

Whether or not the proposal can be determined under a “Class Q” Prior Notification application and if so:

- - The transport and highways impacts of the development
- - The noise impacts of the development
- - The 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 residential use
- - The design or external appearance of the building
- - Whether or not the proposal would allow in sufficient light for the occupiers of the dwelling in the interests of their residential amenities

SITE DESCRIPTION

The site is located off Dial Lane within open countryside and Green Belt. The building this application relates to is the closest building to Dial Lane – some 23m from the road. The building appears on an existing yard. It is a nissen/dutch style barn to the north east, and adjacent to, a disused portal frame livestock building with concrete base and sheet cladding above and a large lodge style caravan home. All three structures essentially sit in a row parallel to the road.

The building is of steel frame construction Dutch barn or Nissen style and covered in metal profile sheets with vision panels. To the south elevation is a large opening.

The central farm building on site has an extant permission to convert into residential (DET/2023/0003) under prior approval and was approved 21st of March 2023. An application to discharge conditions (DOC/2023/0043) attached to the approval has been submitted and yet to be decided.

The small yard is situated to the northern end of a long finger of sloping grazing land that amounts to more than 5 ha (11.3 ha) to the easterly, low side of the Long Edge woodland.

PROPOSAL

The application is a “Notification of Prior Approval” application for the conversion of the barn into a ‘larger dwelling’ (one 4-bed dwelling 230 sqm of floor space) .

The dwelling would take its access with the highway from the one central farmyard access, with the farm yard divided into areas of curtilage and parking. Three spaces for the 4 bed dwelling.

The new dwelling will be accommodated within the existing metal frame structure. The footprint of the proposed is 167sq m, there will be 2 small cut outs amounting to 3.4sq m to accommodate doorways within the existing building, necessary due to the curved sides. The first floor will create 82.8sq m of usable space which results in a total of 230sq m floor area.

The building is substantial and in reasonable overall condition, this is substantiated by the accompanying structural report prepared by Northern Structural Services. The report confirms the building can be converted without significant rebuilding.

** On request revised plans were submitted that reduce the number of windows and extent of glazing on the north west/rear elevation. That elevation would be exposed across open land from approximately 70m out, concerns raised over light pollution and a lantern effect against the night sky in this remote rural location. Revisions have reduced all openings on the NW elevation. First floor now just 2 small windows but adequate for the room they serve. Likewise for the GF bedroom and ensuite window is narrower. The bi fold has been changed to a single patio door, to maintain a reasonable link with the amenity /garden to the rear.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)

S01 Spatial Objectives
SS1 Development Principles
SS10 Other Rural Area Strategy
H1 Housing supply
DC1 Design Considerations
T1 Development and Sustainable Transport

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SM94-0628 (Temporary siting of prefabricated dwelling)
99/00020/BOC breach of temporary consent condition.

In the late 1980s and the 1990s several planning applications for a permanent agricultural worker's dwelling were refused. However, in March 2000 following an enforcement appeal a decision letter allowing the retention of a prefabricated timber

chalet on the site was issued.

The appeal approval was subject to the following condition: -

“ The dwelling hereby permitted shall be occupied only by Mr and Mrs S T Flowers. When the dwelling ceases to be occupied by Mr and Mrs S T Flowers, the dwelling shall be removed from the site and the ground restored to its former condition.”

An Article 4 Direction was made by Staffordshire Moorlands District Council on 12th January 1988 and confirmed by the Secretary of State for the Environment pursuant to Article 4 of the Town and Country Planning General Development Order 1977. This direction removed the permitted development rights to carry out on agricultural land having an area of more than one acre and comprised in an agricultural unit building or engineering operations requisite for the use of that land for the purposes of agriculture) unless permission was granted on application made under the Town and Country General Development Order 1977 (as amended).

DET/2023/0003 Change of use of agri bldg to a dwelling. Prior approval required and granted.

CONSULTATIONS

Publicity

Site Notice expiry date: 2nd June 2024

Public Comments

None

Town / Parish Comments

Biddulph Town Council: No Response

Environmental Health

Suggested conditions relative to historic landfill within 100m of site.

Staffordshire County Council Highways

No Objection subject to access and parking condition.

OFFICER COMMENTS

Changes to the GPDO in 2015 introduced into 'Part 3 – Changes of Use' a 'Class Q' development which allows the conversion of agricultural buildings into dwellings without the need to apply for full planning permission providing the criteria listed under Class Q are met. However, a "Notification of Prior Approval" application needs to be submitted instead and the Council must determine this against the material planning considerations listed above.

Class Q was refreshed on 30th April 2024, with the changes taking effect from the 21st May 2024. Any application on or after this date, are subject to the new rules as laid out, notably the floor area of a new dwelling is capped at 150sq m. However, this application was submitted before 21st May, and therefore, under the transitional provisions made in the amendment, the development can rely on the 'old rules', which importantly for this scheme provided for more floor area.

This proposal meets all of the criteria/tests under Class Q(1) for applying for a conversion under Class Q of the GPDO.

The building is located on a small farmstead, one of two adjacent sheds. The adjacent building has prior approval granted under DET/2023/0003. That approval would provide a dwelling with floorspace totalling 180 sqm. The current proposal would with an internal first floor provide a dwelling with a floorspace of 230 sqm. This would mean that within the unit only two dwellings would be provided with a cumulative floor space of less than 450 sqm (the limit applicable to 'old rules').

The previous use of the building was apparently agricultural. There is no evidence to suggest there has been any intervening uses since its last use.

The building appears to overall be in reasonable substantial condition. It can be converted into residential use via repairs, and the provision of insulation boarding, a new floor and damp-proofing and these are not contrary to a conversion scheme allowed to be implemented under Class Q.

The application must therefore be determined against the planning considerations listed under Class Q(2) also listed in the "Main Issues" section of the report:

With regard to the transport and highways impacts of the development, the proposal would not lead any traffic or highway safety problems. The dwellings would be provided with standard compliant parking within the yard. The existing access would be shared and with some improvement to the north have adequate visibility splays.

Noise impacts are not anticipated to be any greater than those might be associated with and reasonably expected where a building was last in agricultural use on a working farmstead.

With regard to the contamination risks on the site, Environmental Health raise concerns about the proximity of a landfill site and the potential for ground contamination and gasses on the site to cause risk to human health. Any prior approval can be granted with informative and conditions flagging these risks with the developer and requiring them to properly investigate and remediate the site in line with Environmental regulations. A Phase 1 contamination report has already been submitted and considered by Environmental Health Officers they comment that the report is acceptable but that a remediation strategy is required.

With regard to flooding risks on the site, the site is not in a flood plain and does not appear to be affected by any localised flooding.

With regard to whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a residential use, the only such issue is the impact of the scheme on the ecological value of the site. The application includes a bat survey that concludes that there is no evidence that bats are using the building and that it provides few opportunities where bats could roost, and its potential is considered negligible. An informative could be

attached to any prior approval flagging the developers obligations regarding bats and protected species.

The building is of an adequate size for the conversion into the one dwelling. The amount of floorspace created would exceed the standards in the governments Nationally Described Space Standards. It would not be undesirable to convert the building based on the amount of space created and the impact of this on the living conditions of the eventual occupants.

With regard to the design or external appearance of the building, overall, the building would be in keeping with the rural character and appearance of the area. The large central shed opening in the front, south east, facing elevation would be installed with patio style bi fold glazing at ground and first floor. This elevation would face onto the enclosed yard area. Views from distance are limited of this elevation by tree cover and enclosure and hedgerow. From the north west the rear elevation has more exposure across open land. That elevation has some exposure to the road from about 70m out, on approach from the north west as the viewer rounds the tight bend and reaches the hill top. There is mature tree line along the boundary at the rear of the site but street view photographs shows how it becomes quite sparse in the winter.

Revised plans have, therefore, been submitted on request to reduce the extent of glazing, particularly at first floor. Two small bedroom windows at first floor and at ground floor the windows have been simplified to provide a single patio window to the living room and a single window to the ground floor bedroom and ensuite. The higher ground level of the field behind should make the ground floor windows less conspicuous.

Finally, with regard to light provision, the existing openings to be re-used are of a sufficient size to allow adequate light into all the rooms and therefore the living conditions of the proposed occupants are not considered to be inadequate as part of the scheme.

The scheme also complies with the other parts of Part 3 of the GPDO (relating to changes of use) and the guidance for Class Q development in that the residential curtilage area (i.e. the areas used for outdoor private garden use and car parking) would not exceed the size of the footprint of the building.

OFFICER RECOMMENDATION : PRIOR APPROVAL REQUIRED AND GRANTED

Case Officer: Ben Hurst

Recommendation Date:

X *J Curley*

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council