

PLANNING STATEMENT

**PROPOSAL : PRIOR NOTIFICATION FOR THE CHANGE
OF USE OF AN EXISTING AGRICULTURAL
BUILDING INTO A SINGLE DWELLING WITH
ASSOCIATED BUILDING OPERATIONS**

**ADDRESS : HOLLY HOUSE, CHEDDLETON,
STAFFORDSHIRE, ST13 7BH**

APPLICANT : MR & MRS LLOYD

DATE : JUNE 2024 JOB No.: 2023-2857

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INTRODUCTION

- 1.1 This statement is submitted in support of a prior notification application for the change of use of an agricultural building into a single dwelling with associated building operations at Holly House, Cheddleton. The application has been submitted by Sammons Architectural Ltd on behalf of Mr & Mrs Lloyd and is accompanied by drawing numbers 2023-2857-01A, 2023-2857-02, 2023-2857-04B, a structural survey undertaken by REPlan and Design Ltd (Nov 2023) and a bat activity survey undertaken by Absolute Ecology (August 2023) all of which should be read in conjunction with this report.
- 1.2 This planning statement assesses the proposed development against the relevant criteria laid out in Schedule 2 Part 3 Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 as amended and the subsequent amendments made to the Government's on line Planning Practice Guidance (PPG), including in respect of Paragraph 105 and concludes that the proposal amounts to permitted development.

2 APPLICATION BUILDING AND ITS SETTING

- 2.1 Holly House is an established small holding which lies on the eastern side of Cheadle Road. It comprises of a detached farmhouse with a range of traditional outbuildings positioned either side of the access track. The application building comprises of a single storey brick and tile building which has a timber pole and sheeted lean to on the rear. The site lies in an attractive rural area which is characterised by loose scatterings of dwellings and small farmsteads.

3. THE PROPOSED DEVELOPMENT

- 3.1 It is proposed to convert the existing agricultural building into two dwellinghouses under the Permitted Development rights afforded in Part 3 Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015.
- 3.2 The scheme as submitted would provide an open plan living / kitchen arrangement with 2 bedrooms and a separate bathroom. The proposed development would utilise the existing farm access off Cheadle Road with two parking spaces provided at the front of the building and private amenity space in the form of a small patio and garden at the rear.
- 3.3 As well as the change of use of the building the proposal seeks approval for associated operational development which includes the demolition of the existing lean to structure and muck heap on the rear of the building and their replacement with a new single storey extension, upgrading of the existing roof with breathable felt, new battens and replacing existing plain tiles, replacement of rainwater goods, construction new timber casement windows and doors.

4.0 PLANNING POLICY

- 4.1 This is an application for a change of use of an agricultural building to form a single two bedroomed dwelling with details of associated operational development. The submission has been made in order to determine whether or not the prior approval of the Council is required before the development can proceed in accordance with the provisions of Part 3 Class Q of The Town & Country Planning (General Permitted

Development) (England) Order 2015. Class Q of Schedule 2 of the GPDO permits 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 (Class Q(a) development). Additionally, Class Q permits building operations reasonably necessary to convert the building to a use falling within Class C3 use (Class Q(b) development). The General Permitted Development Order also defines "development not permitted", and this states that: - Development is not permitted by Class Q if - Q1 (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). PLANNING

PRACTICE GUIDANCE

- 4.2 The Planning Practice Guidance provides formal guidance on how to interpret the legislation. Paragraph: 105 Reference ID:13-105-20180222: Revision date 22.02.2018 states:-

“Building works are allowed under the right permitting agricultural buildings to change to residential use: Class Q of Part 3 of Schedule 2 to the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are “reasonably necessary” “to convert the building”, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roof, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary to carry out these building operations. 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. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right. “

- 4.3 For a discussion of the difference between conversions and rebuilding, see for instance the case of *Hibbitt and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2853 (Admin).
- 4.4 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. Paragraph: 109 Reference ID: 13-109-20150305 | Revision date: 05 03 2015 states;

“ 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.

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally, the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals”. #

- 4.5 When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant

5. KEY ISSUES

- 5.1 This is an application for a change of use of an agricultural building to a single dwelling with details of associated operational development. The submission has been made in order to determine whether or not the prior approval of the Council is required before the development can proceed in accordance with the provisions of Part 3 Class Q of The Town & Country Planning (General Permitted Development) (England) Order 2015.
- 5.2 Class Q of Schedule 2 of the GPDO permits development consisting of the change of use of a building that is part of an established agricultural unit and any land within that building's curtilage, or a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage, to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order. Additionally class Q permits change of use of such a building together with the extension of the building (Class Q (b) and building operations reasonably necessary to convert or extend the building to a use falling within Class C3 use (Class Q (c) development).
- 5.3 In order to show that the above scheme complies with the permitted development requirements each criteria is assessed against the proposal below.

Development is not permitted by Class Q.1. if:

- (a) In the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit
 - (i) on 24th July 2023 or
 - (ii) where the site became part of an established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,
- (b) in the case of a site that was (but is no longer) part of established agricultural unit-
 - (i) the site was part of an established agricultural unit on 24th July 2023, '
 - (ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or
 - (iii) since ceasing to be part of an established agricultural unit, the site has been used for any non agricultural purpose,.

The application site has been in the applicant's family since the 1967 and has been registered with DEFRA under the holdings number 37/065/0107. The application building was clearly built and intended for agricultural use and has been in use as such for all of its time. Due to the building's relatively modest openings its use for current modern day farming practices is limited although it is still used for agricultural purposes and provides secure storage for feedstuffs such as hay, corn, straw, smaller farming implements as well as providing shelter for ponies / horses and isolation pens for animals during periods of illness or lambing etc. The timber pole lean to at the rear currently provides storage for agricultural vehicles including but not limited to a tractor, topper and chain harrows. It is therefore clear from the above that the site is an established agricultural unit which has been occupied for the purposes of the agriculture and was in such use on the 24th July 2023. The application building forms part of the established

agricultural holding of the farm and is being used for agricultural purposes and as such is considered to accord with criterion (a).

- (c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 sq metres,
- (d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in –
 - (i) the number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or
 - (ii) the cumulative floor spaces of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 sq metres,

The submitted scheme proposes the provision of a single two bedroomed dwelling which would have a floor area when converted of 57 sq metres. No other changes have taken place under class Q. As such the proposal is considered to accord with criteria (c-d).

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

(f) less than one 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,

The application site was not occupied under an agricultural tenancy in the period of 12 months leading up to the date of this submission and therefore criteria (e) and (f) are not considered applicable to this proposal.

(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 during the period which is 10 years before the date development under Class Q begins.

No development under the provisions of Classes A (a) or B (a) has been carried out on the holding at all and there is no intention to carry out any such works in the foreseeable future. The proposal is therefore considered to accord with 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, other than –

(i) extension of the building allowed by paragraph Q.1 (i)

(ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1 (j) (i),

(i) the development under Class Q (b) would result in an extension that –

(i) has more than one storey,

(ii) is sited anywhere other than to the rear of the existing building,

(iii) extends beyond the rear wall of the existing building by more than 4 metres

(iv) has eaves the height of which exceed the height of the eaves of the existing building,

(v) is higher than whichever is the lower of –

- (aa) the highest part of the roof of the existing building, or
- (bb) a height of 4 metres above the ground
- (vi) extends beyond a wall that forms a side or principal elevation of the existing building, or
- (vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and
 - (aa) the hard surface was not provided on the land on or before 24th July 2023, or
 - (bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins.

The proposed development includes the demolition of the existing timber pole lean to and adjacent muck heap. In terms of paragraph (h)(ii) it will not result in the external dimensions of the building extending beyond the existing external dimensions of the building. Whilst an extension is proposed as part of the development this will be single storey in nature, located at the rear of the building, would project 3.6m from the rear wall of the original building, has an eaves line coterminous with the existing building and an overall ridge height of 3.9m which is 0.33m lower than that of the existing building rear and would be located on an existing area of hardstanding which was erected prior to the lean to pole extension being erected and which has clearly been in existence prior to 24th July 2023. . The proposal is therefore considered to accord with criteria (h) and (i) in this regard.

5.4 Paragraph Q.1. (j) places restrictions on the building operations which can be undertaken. It states that development is not permitted if it would consist of building operations other than

(j) 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(j)(i);

Existing openings are to be adapted and infilled with new glazed doors and windows. The ground floor will be insulated and levelled and walls and roof thermally upgraded internally. Electric and water supplies are currently on site and will be adapted to suit.

The application is accompanied by a Structural Survey which was undertaken by Replan which confirms that the application building is in a relatively good condition with the main members of the roof, floor and wall in a good condition and concludes that the building could be readily converted into a habitable dwelling with minimal structural alterations.

All of the above works amount to building operations that are permissible under criterion (i) and the proposal is therefore considered acceptable in this regard.

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

(l) 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

(m) the site is, or contains, a scheduled monument;

(n) the building is a listed building.

Criteria j to m are not relevant to this application as none of these designations apply.

(o) the existing building excluding any proposed extension under Class Q(b) but including and proposed building operations under Class Q (c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 (a) as read with the notes dated 19th May 2016 which apply to it, or

The Nationally Described Space About Dwellings Standards requires a minimum of 39 sq metres of gross internal floor areas for a single storey unit such as this. The existing building has a floor area of 43 sq metres with a further 14 sq metres being provided through the proposed extension. The proposed development therefore complies with criteria (o) in this regard.

(p) the building does not have suitable existing access to a public highway.

The application building is served by an existing suitable access off Cheadle Road, Cheddleton which serves the main farmhouse and wider agricultural unit including adjacent agricultural buildings and farm land. The application is therefore compliant with criteria (p).

5.5 As a consequence of the above considerations it is submitted that the proposed development accords with all of the relevant provisions of Class Q. In accordance with the Order we request that a determination as to whether the prior approval of the Local Planning Authority is required for the Class Q 2(i) development in this instance in regard to:-

- a) Transport and highway impacts of the development;
- b) Noise impacts of the development;
- c) Contamination risks on the site;
- d) Flood risks on the site; or
- 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; and
- f) the design and external appearance of the building.

5.6 This prior approval submission has been made in response to the aforementioned requirements and 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 National Planning Policy Framework.

(a) Transport and highway impacts of the development

The application site and buildings are currently in an active agricultural use and therefore by association there are associated unrestricted movements for by both cars, and larger vehicles including delivery vans and tractors and trailers. Access to the proposed dwellings would be via the existing access which currently serves the agricultural buildings and would lead to a dedicated parking area for vehicles as shown on the submitted site plan. Consequently there is sufficient space for vehicles associated with

both of the units to park and manoeuvre without causing any highway safety issues on the public highway. Taking into account the fact that this access is already used for agricultural purposes it is not considered that the proposal would result in any significant intensification of the use of the site which would give rise to any adverse highway safety impacts. As such the proposal is considered to be acceptable in the context of criterion Q.2(1)(a) above.

(b) noise impacts of the development

The proposed conversion of the agricultural building to a single dwelling would not give rise to any adverse noise impacts and there are no neighbouring land uses that would be detrimental to future occupants of the building. The change of use would bring about a quieter environment without heavy vehicular traffic accessing the site. The proposal is therefore considered to be acceptable in this regard.

(c) contamination

Historically and to date the site has only ever been used for agricultural purposes. It is proposed that the existing building foundations are utilised and there will be minimal ground disturbance or excavation. Previous excavations have not identified any ground contamination whatsoever at this site. All excavated material for service trenches will be retained on site. The existing building does not contain any harmful materials that would propose any contamination risk. In the unlikely event that any contaminants are identified safe disposal advice will be sought from the Environment Agency. The proposal is therefore considered to be acceptable in the context of criterion Q.2(1)(c).

(d) flooding risks on the site

A review of the Environment Agency's website reveals that no part of the site is in flood zone 2 or 3 nor is it at risk of potential flooding from surface waters and the likelihood of flooding would be extremely unlikely. The proposal is therefore considered to be acceptable in the context of criterion Q.2.(1)(d) above.

(e) Impractical or undesirable

The Planning Practice Guidance (updated 5th March 2015) confirms that "the permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead the Local Planning Authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house".

The guidance states 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.

The guidance goes on to state that there may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

The guidance furthermore confirms that when a local planning authority considers location and siting it should not be applying tests from the National Planning Policy Framework except to the extent that these are relevant to the subject matter of the prior approval . So for example, factors such as whether the property is for a rural worker or whether the design is of exceptional quality or innovative are unlikely to be relevant. Recent appeal decisions have corroborated this advice confirming that prior notifications cannot be refused on the basis of not constituting sustainable development, as to reach such a conclusion it is necessary to consider the NPPF as a whole, whereas for the purposes of the prior notification only the tests of the NPPF relevant to the subject matter of the prior approval can be considered.

To compare with the examples cited in the Planning Practice Guidance the application building is a traditional valued vernacular building which is structurally sound and easily capable of conversion. The application site lies a short distance from the larger villages of Cheddleton and Werrington where a number of services and facilities can be found. In addition its location on Cheadle Road means that the application site can easily be access via a range of transport modes and is not solely reliant on the private car. As such its conversion would not result in an isolated dwelling in the countryside. It benefits from existing vehicular access and off road parking and garden areas can easily be accommodated without any detriment to the character and appearance of the site. Furthermore there are no surrounding land uses that would result in detrimental harm to the amenity of future occupiers. It is therefore considered that the proposal is acceptable in the context of criterion Q.2.(1)(e) above.

(f) Design & External Appearance

The application building comprises of a traditional valued vernacular building constructed from brick and tile and comprises of a permanent structure. The proposed development retains the existing materials through the conversion of the building and where appropriate in addition to these existing materials the development simply proposes the provision and alteration of existing window and door openings, and rooflights. The proposed extension has been well designed and reflects and respects the character and appearance of the host building. All facing and roofing materials in the proposed extension will match those of the existing building in terms of their size, scale, form, colour and texture and the proposed extension has a high solid to void ratio which respects and reflects that of the main building. The design and external appearance of the proposal is therefore considered to be acceptable in the context of criterion Q.2.(1)(f) above.

(g) Provision of Adequate Natural Light

The habitable rooms within the application building will all be served by suitable openings which ensure appropriate levels of natural light. The proposal is therefore considered to be acceptable in the context of criterion Q.2.(1)(g) above.

6.0 Conclusion

- 6.1 Central Government enacted legislation to allow certain works to be Permitted Development which includes the conversion of agricultural buildings to dwellings but subject to certain restrictions and qualifying criteria. This application is not assessed within the Council's Adopted Development Plan but under the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015. Therefore it is a matter of fact and assessment against national legislation (NPPF) and not that which has been adopted by the individual Planning Authority.

6.2 Having regard to the aforementioned information it is considered that the proposal as submitted constitutes permitted development as it would fully accord with the provisions of Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015. The Local Planning Authority is therefore respectfully invited to confirm that their prior approval is not required in this instance.