
From:
Sent: 22 July 2024 09:40
To:
Subject: FW: Application SMD/2024/0227 - Change of use of an agricultural building to a dwelling with a basement extension - Barn off, Heath House Lane, Lower Tean

Checkley Parish Council planning response for your information.

-----Original Message-----

From:
Sent: Friday, July 19, 2024 11:57 PM
To:
Subject: Re: Application SMD/2024/0227 - Change of use of an agricultural building to a dwelling with a basement extension - Barn off, Heath House Lane, Lower Tean

Checkley Parish Council acknowledge that the Applicants Planning, Design and Access Statement represents this Application as being for Full Minor planning permission for the change of use of an agricultural building to a dwelling with a basement extension (following Class Q approval DET/2022/0044).

Prior Approval was Granted by Planning Committee on 10/03/2023 for Change of Use of Agricultural Building to one Dwellinghouse (Use Class C3), and for building operations reasonably necessary for the conversion as per Application DET/2022/0044.

A Prior Approval application effectively seeks confirmation that specified parts of a development are acceptable. For a Class Q application, the following matters are for Prior Approval: (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: and (f) the design or external appearance of the building.

Note 5 of the Decision to Grant Prior Approval states " The permission is granted in strict accordance with the approved plans. It should be noted however that: a. Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.

b. Variation to the approved plans will require the submission of a new planning application. "

The original plans on the Prior Approval Application DET/2022/0044 were :

HEATH-HOUSE-IDS-296-DR-A-00-10-002 revision H HEATH-HOUSE-IDS-296-DR-A-00-10-003 revision C HEATH-HOUSE-IDS-296-DR-A-00-10-004 revision C

HEATH-HOUSE-IDS-296-DR-A-00-10-001 revision A as provided in the Application but not referenced in the List of plans submitted.

However the the revised plans on the Full Minor Planning Application SMD/2024/0227 are:

HEATH-HOUSE-IDS-296-DR-A-00-10-001 revision A HEATH-HOUSE-IDS-296-DR-A-00-10-003 revision D HEATH-HOUSE-IDS-296-DR-A-00-10-004 revision C
HEATH-HOUSE-IDS-296-DR-A-00-10-006 revision A.

It should be noted that HEATH-HOUSE-IDS-296-DR-A-00-10-006 revision A - PROPOSED BARN FLOOR PLAN AND SECTIONS the proposed plan provided with the Full Minor Planning Application SMD/2024/0227 is materially different to HEATH-HOUSE-IDS-296-DR-A-00-10-002 revision H -PROPOSED BARN FLOOR PLAN AND ELEVATIONS the approved plan provided with the Prior Approval Application DET/2022/0044.

CPC are therefore of the opinion that the Prior Approval Granted by Planning Committee for Change of Use of Agricultural Building to one Dwellinghouse (Use Class C3), can not apply to this Application.

CPC are also concerned that the proposed works and incorporation of a new basement go well beyond what could reasonably be described as conversion". Therefore the change of use and incorporation of a new basement would amount to a "re-build" as opposed to a "conversion" within the context of the 'Hibbitt' High Court Judgement (2016) and as such does not constitute a form of permitted development under Schedule 2, Part 3, Class Q of the General Permitted Development Order 2015 (as amended 2018).

However in such circumstances when considering a subsequent planning/pre-application to change the use of an agricultural building to a dwelling with alterations and extensions or complete rebuilds the Planning Officer may view a previous approval under Class Q as a material planning consideration/fallback position although the weight to be given will depend on the circumstances. For the avoidance of doubt, the argument that an approval under Class Q would have been given will not suffice.

CPC are also concerned that there is no real mention of the surrounding heritage assets, their significance, landscape assessment or consideration of setting in this scheme. There are 9 listed structures in this vicinity that are relevant to the proposed development and the site is also closely associated with Checkley Neighbourhood Development Plan Local Green space LGS9: The Tumulus, Heath House Lane. Therefore NPPF guidance notably paragraph 194 has not been adhered to. The scheme shows a structure that is seen to fragment the context of this vicinity and doesn't look to become subservient or well-integrated. This in heritage terms is seen as harm.

Staffordshire Moorlands Local Plan Policy DC2 The Historic Environment seeks to ensure that sites and areas of particular heritage value are both safeguarded for the future and, where possible, enhanced both for their own heritage merits and as part of wider heritage regeneration proposals. The policy requirements apply to all types of development.

Also refer to Checkley Neighbourhood Development Plan (CNDP) item 2.3 states Ensure future housing responds to needs and supports sustainability. With sympathetic development including affordable housing and retirement properties, to preserve the visual attractive character of the landscape and high-quality agricultural land.

CPC would acknowledge that the Applicant has satisfactorily provided the following information within the Application.

- Application forms.
- Application fee.
- Certificate of Ownership and Agricultural Land Declaration.) Site location plan.
- Existing and proposed block layout plan.
- Existing and proposed floor plans.
- Existing and proposed roof plans.
- Existing and proposed elevations.
- Existing and proposed site sections and finished floor and site levels.
- Design and Access Statements.
- Heritage Statement.
- Structural survey.

However CPC are concerned that the Application is lacking sufficient detail to make a definitive decision and the Applicant should be requested to provide satisfactory response on the following additional information required to accompany a Full Minor Planning Application

- Fire risk Statement.

Biodiversity, ecosystems and green infrastructure. (Survey and Report).
Flood Risk Assessment.
Environmental Statement.
Land contamination risk assessment.
Demolition or refurbishment asbestos survey and risk assessment.
Lighting assessment.
Noise Impact Assessment.
Affordable Housing Statement.
Air Quality Assessment.
Transport/Parking Assessment/Statement.
Tree Survey/Arboricultural Statement.
Archaeological Survey/Assessment.
Drainage Report – Foul and Surface Water and Utilities Assessment.
Waste Management and Recycling Plan Waste storage and collection plan.
Landscape Assessment and Landscaping Plan.
Sustainable Design Measures.
Demonstrate that the conversion will be in keeping with its original surroundings.
Statements for dealing with protected wildlife species and their habitats.

CPC look favourably on barn conversions to dwelling houses to provide accommodation for extended families but do not support barn conversions to dwelling houses for sale or profit in unsuitable rural locations where there may exist a possibility of additional conversion of other vacant barns on the site to dwelling houses, as the Planning History demonstrates, resulting in the beginning of a housing development.

CPC are therefore of the opinion that this Application for Full Minor Planning Permission is invalid as a result of the aforementioned lack of detail and if the Applicant is unable to provide the required supporting information CPC would fully support the Planning Officer in Refusing the application.

Steve Buckley
Planning Coordinator