

DELEGATED DECISION REPORT

SMD/2024/0262
Valid 13/06/2024

HAYES GATE FARM STAR
BANK
OAKAMoor

FULL PLANNING
APPLICATION FOR THE
CHANGE OF USE OF A STONE
BARN FROM ANCILLARY
ACCOMMODATION TO OPEN
MARKET DWELLING WITH
MODEST EXTENSION

(FULL - MINOR)

MAIN ISSUES

- Impact on Character and Appearance
- Impact on Ecology
- Impact on neighbour's amenity/living conditions
- Local Plan approach to development in the rural area

DESCRIPTION OF SITE

Prior approval was granted at appeal to convert and use a large barn that sits centrally on the site as a dwellinghouse (DET/2018/0002) a new planning permission was later granted with a differing plans condition to allow for amendments to the scheme, not yet carried out or implemented. That planning permission has been carried out and the dwelling is occupied.

Also on site with close proximity and relationship, as part of the same physical arrangement, there is a small stone rectangular single storey outbuilding (expired planning permission SMD/2019/0453 to use the outbuilding as additional living accommodation). To the east of the barn conversion there is a wide open fronted portal frame shed.

Adjacent to the small stone outbuilding there is a smaller stone barn on a square footprint that has a taller profile, it has what appear to be strong, intact, stone gables and a roof with missing plain clay tiles that reveal the purlins beneath. A concrete block wall has been constructed between the outbuilding and the taller stone barn.

This little group of three buildings are served by a farm track that has access with Star Bank to the west. The track provides access for Hayes Gate Cottage before continuing another 30m to the east. The track terminates at the buildings and there is open woodland beyond. The track coincides with the public footpath that passes through the middle of the site between buildings providing walkers with access to the countryside beyond.

PROPOSAL

The proposal is to change the use and convert the small stone building into a single independent dwellinghouse. The building would be extended by almost 50% that would add to the side and gable end of the building, to provide overall two bedrooms, open plan kitchen/living room and a dining room. The end of the dining room would open onto a small deck and an area of amenity space, originally to be opened up with the demolition of the taller stone barn 2 but now to be retained within that space, confirmed with revised plans.

The living space would have a bedroom and a kitchen window on the boundary to the south east opening to the woodland behind. On the north west elevation a kitchen/living room and a large full height dining room window in the extension would face onto the end gable of the existing barn conversion. A bifold door in the end elevation of the dining room extension would open onto the deck and amenity space.

The outbuilding provides 49sqm of accommodation and the extension would add a further 17.5 sqm (total of 66.5sqm).

An area of existing hardstanding to the north east end of the outbuilding would provide parking. The sheet roof would be replaced with Staffs blue tiles and the windows and doors fitted with aluminium casements.

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 Consideration
DC3 Landscape Character
H1 Housing
T1 Development and Sustainable Transport
NE1 Biodiversity

SMDC Design Guide 2018
Space About Dwellings SPG
Nationally Described Space Standards

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

DET/2018/0002 Change of use of agricultural building to a dwellinghouse (Class C3)
- resubmission of DET/2017/0030. REFUSED - APPEAL ALLOWED.

SMD/2019/0187 Variation of condition 1 relating to the appeal decision for
DET/2018/0002. APPROVED.

SMD/2019/0453 Ancillary living accommodation. APPROVED (not implemented)

CONSULTATIONS

Publicity

Site Notice expiry date: 8th Aug 2024

Neighbour consultation period ends: 8th Aug 2024

Press Advert: N/A

Public Comments

Two objections received. The following comments submitted:

- The rear wall of the barn appears to coincide with the boundary and the applicant does not own the land behind to the south east -making construction, maintenance, and, serving difficult
- The applicant has enclosed a strip of land at the rear behind protective fencing that does not belong to them

Town / Parish Comments

Cotton PC: Is there a risk of overdevelopment? There would be two additional dwellings to the Hayes Gate Farm. A nearby annexe was approved subject to strict occupancy controls preventing it from becoming an independent dwelling.

Kingsley PC: (consulted in error) support subject to time limit on the works

Footpath Association

Farley 47, 37 and Footpath Cotton 25 are close to the proposed site. The development must not affect the public right of way. Although there is a diversion to Footpath 25, it must remain open.

SCC Rights of Way

The development should not affect the public rights of way. Suggest informative relative to development within proximity of public rights of way.

Peak and northern Footpath society

We note that PROW Cotton 25 is close to the proposed site. The use of any PROW and the safety of users must not be affected.

Staffordshire Wildlife Trust

Responded initially with a holding objection.

Request for further information and points of clarification pertaining to the bat survey report.

Required prior to determination:

1. Further information on some aspects of the bat survey and assessment approach is requested.
 2. Some inconsistencies identified within the bat survey report should be resolved.
- An assessment of Barn 2 does not appear to have been undertaken, the proposal includes the demolition of this building.

Revised plan submitted to confirm that the Barn 2 would not be demolished with a revised bat survey report. SWT confirm that their concerns have been addressed in these respects.

Waste Collection

No issue

Staffordshire County Council Highways

Conditional Acceptance.

Site Visit Conducted on: 27-Jun-2024

Application form states that the existing site has no parking spaces. Considering the red and blue lines and space in the existing farmyard, this cannot be correct. Ancillary building was granted permission under SMD/2019/0453 as ancillary living and covered parking for the dwellinghouse. Parking for the main dwelling is also being altered. Condition above seeks clarification of parking provision within the site to define the application.

Access is of good standard, surfaced and gates set back. Visibility is good. and the aluminium casements would sit sensitively within the openings with limited impact.

OFFICER COMMENTS

Principle of Development

The application proposal would provide a dwelling in an 'other rural' area of countryside outside any of the settlements identified in the Local Plan. The proposed dwelling would be the third dwelling in this cluster, originating from Hayes Gate Farm, that occupy this isolated and remote location. Here Local Plan Strategy SS10 applies and support for new housing development is only provided in exceptional circumstances. New housing development shall be restricted to that which has an essential need to be located in the countryside or the conversion of an existing rural building in accordance with Local Plan policy H1. In the other rural areas policy H1 makes provision for the conversion of rural buildings for residential use where the building is suitable and worthy in physical, architectural and character terms for conversion.

In this case the building in question is a small stone outbuilding with limited floor area 49 sqm, it is located within close proximity to the existing converted barn and has a rear elevation on the boundary of the woodland behind. The building is 'worthy' for retention and reuse, a traditional stone farm building with historic origins, but it is not suitable for the provision of an independent dwellinghouse because, as discussed below, it is not capable of providing acceptable standards of amenity and living conditions, particularly without extending the building with an addition that would not be compliant with the SMDC design guide.

Design and Impact on the character and appearance of the area

The stone outbuilding and the adjacent taller stone barn both have merit as attractive traditional farm buildings that have relationship with and provide surviving remnants of the 19th century Hayes Gate Farm. They make contribution to landscape character in those regards to the edge of woodland. In those regards the buildings are worthy of retention, however, neither building is capable, without harmful extension or alteration, of providing the accommodation for an independent dwellinghouse.

Policy DC1 of the Local Plan requires all development to be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design Guide SPD. In particular, the policy requires the development to be of a high quality and add value to the local area, incorporating materials appropriate to the character of the area.

The SPD guidance says that in respect of alterations: *"Alterations need to be undertaken with care. Insensitive changes can easily spoil a building. The key to a sensitive approach is to take note of what is there already before preparing the design and to work with and not against the building's character"*.

And, in respect of conversions it says: *"The guiding principle behind the design of any conversion should be that the character of the original building and its setting should be respected and retained. This means that in most cases the barn should afterwards look like a converted barn and not like a new house. When converting traditional buildings, new uses should not normally require the construction of extensions or ancillary buildings"*.

The buildings can be seen across open countryside from the road and within close proximity from the public footpaths that pass the site and access the woodland behind. The proposed enlargement would extend the outbuilding to the side by almost 50%. The effect would be to elongate the building in a way that would not be faithful to its original character and proportions. The addition would be harmful to the scale, proportions and character of the original building and its relationship with the adjacent taller stone barn.

There would be resultant harm to the character and appearance of the area and landscape character in these regards and conflict with policies SS10, H1, D1 and DC3 of the SMDC Local Plan 2020, the SMDC Design Guide 2018, and the terms of the NPPF.

Biodiversity

The application form states that the development is exempt from BNG requirements as a self-build for the applicant, under challenge he concedes that is not the case but then suggests it is de minimis. On the evidence of the bat survey from the ecologist the existing buildings provide more than 25 sqm of bat habitat. The application has not been submitted with a habitat assessment and a scheme for compensating for loss with a 10% net gain.

The bat survey confirms presence of bats in both the outbuilding and the stone barn. It advises that a bat license would be required and makes recommendation for mitigation. The applicant has responded to comments from Staffs Wildlife Trust that question the surveyors approach to the stone barn 2. The scheme simply omits the removal of the barn from the proposal and shows it retained on the revised site plan. Retention of the building however, reduces outlook from proposed principal windows

and it seems there will always be pressure for that building to be removed. The revised scheme does not detail any treatment for that building.

The proposal would result in harmful impact on bat habitat without demonstrating replacement and compensation with 10% net gain. There would be conflict with Local Plan policy NE1 and the terms of the NPPF.

Living Conditions and Amenity

Existing resident

The proposed dwelling would have principal outlook onto the end gable of the existing barn conversion and what appear to be two secondary vertical slot windows. The converted barn provides a large dwelling with multiple windows and alternative outlook in other directions. The proposed dwelling should not adversely affect the amenity and living conditions of the existing resident on site.

Proposed dwelling

The previous application to formalise the use of the outbuilding for ancillary living accommodation and to convert it as such, identified that as a standalone dwelling it would be substandard and that as such its use and occupation of the building should be restricted.

Proposal would provide two bedrooms. The existing outbuilding provides just 49sqm of accommodation, the side extension is required to bring total area up to 66sqm, only very marginally more than what the Nationally Described Space Standards require, as a minimum, for a two bed room dwelling (61 sqm). The standards require that a dwelling with two or more bedrooms should have at least one double (or twin). To qualify as a double the bedroom must have a floor area of 11.5 sqm, in this case the largest bedroom would have just 9.6 sqm and would be substandard in those regards. The standards require that a two bedroom dwelling should have 2 sqm of built in storage space, the proposed plans detail the provision of a utility room that would have a floor area of just 1.76 sqm and would be substandard in those regards.

The Council's adopted SPG 'Space About Dwellings' Guidance sets standards for outdoor amenity space, distance between principal windows and blank facing walls, and separation between facing principal windows. Overall the proposal would provide a suitable depth and area of amenity space to the side of the dwelling, however, the revision to retain the stone barn 2, to avoid bat disturbance, within that amenity space places its side elevation to the edge of the proposed outdoor deck and less than 2m from the dining room bifold door. The minimum distance required from a principle window and a blank facing wall is 11m and there would be a breach of the SPG standard in that regard. Moreover, this arrangement is going to place undue pressure for stone barn 2 to be demolished and removed. The barn is attractive with historic origins and has established bat presence, removing it would result in loss and harm in those regards.

The north west facing principal living and dining room windows would face onto and be just 9m from the gable end of the existing barn conversion. The SPG requires 11m from principal windows and blank facing walls, and there would be a breach of the

standard in those regards. Overall, most of the proposed dwellings window outlook would be substandard and inhibited to some degree, while other windows on the north east elevation would be on the boundary and face onto land not in application ownership.

In these regards there would be conflict with policy DC1 of the adopted SMDC Local Plan 2020 and a breach of standards set out in the Council's adopted 'Space About Dwellings' SPG.

CONCLUSION / PLANNING BALANCE

The site is in a remote and isolated location, some distance from the nearest 'larger village', in an 'other rural' area of countryside, as defined by the SMDC Local Plan settlement hierarchy SS2. The provision of a dwelling, in such a location, would not normally be acceptable other than in exceptional circumstances as set out in the Local Plan strategy SS10. The proposal attempts to make use of a small rural building that is not capable of, or suitable for, conversion to a dwelling without significant enlargement and alteration. In these regards there would be conflict with policies SS10 and H1 of the SMDC Local Plan 2020 and the terms of the NPPF.

The proposal to alter and significantly extend the small stone outbuilding by almost 50%, would be harmful to the buildings scale, proportions and character, and, in turn, the contribution it makes to the character and appearance of the area and landscape character. In these regards, the development would be contrary to SMDC Local Plan policies SS10, H1, DC1 and DC3, the SMDC Design Guide 2018, and the terms of the NPPF.

The application has not been submitted with a biodiversity assessment or metric to demonstrate how the development has impacted upon wildlife habitats, or the extent to which they have been lost as a result of the development. The application does not demonstrate how such impacts can be mitigated and compensated for, with a scheme to replace such habitats with a net gain of 10% over pre-existing habitat. Moreover, the treatment of Barn 2 remains unresolved with likely pressure on a building that has confirmed bat presence. There is harm to biodiversity, and potential harm to protected species, in these regards and conflict with policy NE1 of the Staffordshire Moorlands Local Plan 2020 and the terms of the NPPF.

The development would fail to provide acceptable living conditions and standards of amenity for future occupiers of the proposed dwelling house. Even with the proposed addition that would extend the building by almost 50%, the proposed dwelling would provide only substandard floor space areas that would fall short of what is required in the space standards set out in the 'Nationally Described Space' standards. The proposed dwelling's principal windows would have limited and obscured outlook by reason of their close proximity to the facing walls of other buildings. The distance between those windows and the facing walls would not comply with the Council's adopted 'Space About Dwellings' SPG. In these regards there would be conflict with policy DC1 of the adopted SMDC Local Plan 2020 and a breach of standards set out in the Council's adopted 'Space About Dwellings' SPG.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst

Recommendation Date: 29/08/2024

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council