

WYLDE GOOSE FARM OPERATIONAL DEVELOPMENT

MR T HINE

PLANNING STATEMENT

DATE: SEPTEMBER 2024

REFERENCE: 1499/J230118

PREPARED BY: ADAM MUSTAFA *BSC(HONS) ASSOC RTPI*

REVIEWED BY: BEN KETTLE *BSC(HONS) MSC MCD MRTPI*

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1 INTRODUCTION AND BACKGROUND

1.1 This planning statement accompanies a full planning application for the operational development reasonably necessary relating to the recently approved Class R permission (DET/2024/0004). This Class R is related to the conversion of the application building into C1 use. The site address is Wylde Goose Farm, Ashbourne Road, Leek, ST13 7LZ.

1.2 The approved site plan is shown below:

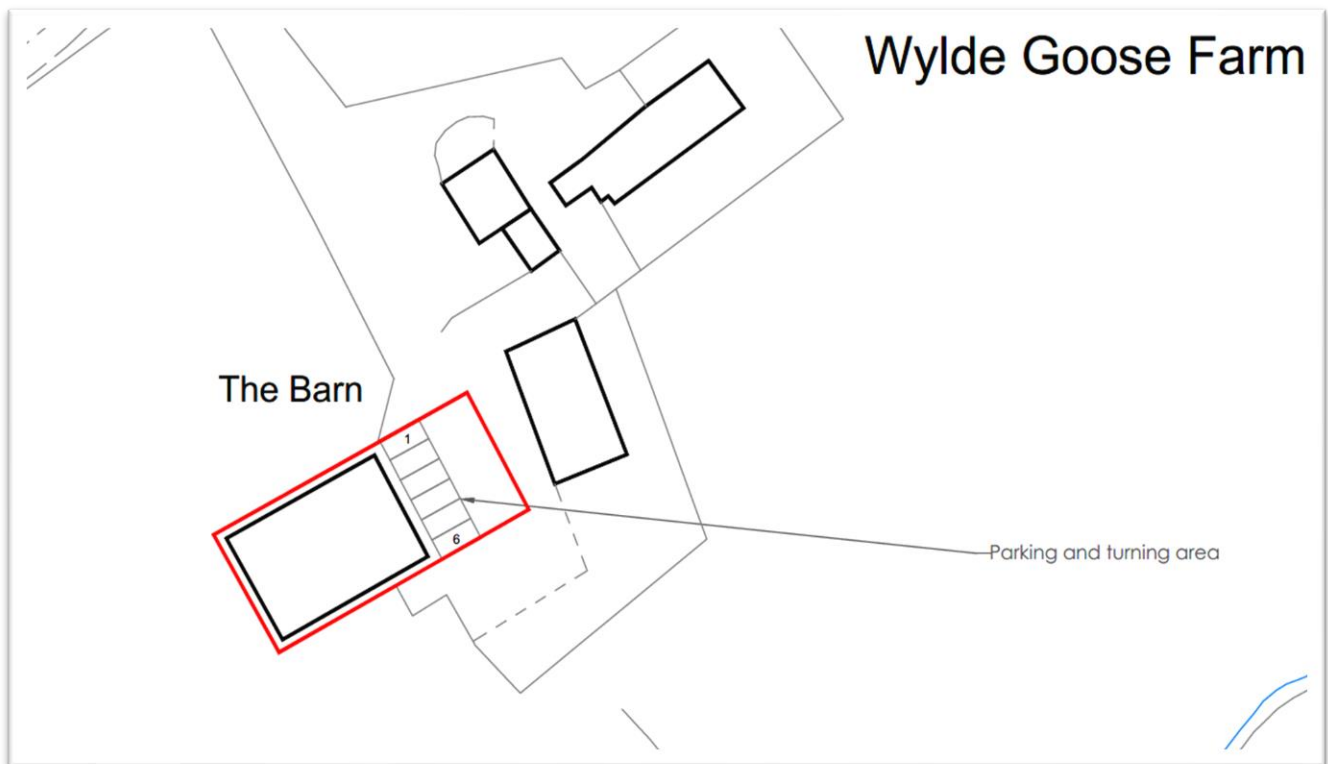


Figure 1: Approved site plan - DET/2024/0004

2 THE LEGISLATION AND ITS INTERPRETATION

GENERAL PERMITTED DEVELOPMENT ORDER 2015 (AS AMENDED)

2.1 Part 3, Class R of the Order provides conditions and the relevant test for the operational development is provided at R.3 subparagraph (4) states –

2.2 For the purposes of sub-paragraph (3), “associated operational development” means building or other operations in relation to the same building or land which are **reasonably necessary** to use the building or land for the use proposed under Class R.

2.3 The following appeals provide direction for the procedure and extent of consideration necessary for the operational development proposals following the change of use of a building under Class R.

DUTCH BARN, MIDDLE DUNTISBOURNE - 3188502

2.4 The appeal at Middle Duntisbourne was made against Cotswold District Council’s refusal to grant planning permission for the operational development required to carry out the change of use of the Dutch barn to a hotel. The change of use had previously been granted through the Class R prior approval process.

2.5 The Inspector sets out the position regarding the change of use accrued under Class R, and the operational development:

“Class R does not allow for any associated operational development to take place as part of the permitted development right. However, it is clear that it is envisaged that building works or other operations may be reasonably necessary to use the building or land for the use proposed under Class R. Where this is necessary, a separate planning application will be required following either the confirmation that prior approval is not required or the grant of it.”

2.6 The Inspector then confirms the meaning of operational development for Class R in paragraph six of the decision letter and outlines that the Council did not raise any suggestion that the operations were more than reasonably necessary.

“The term “associated operational development” is defined within Class R. This sets a clear expectation that any such operations are limited to those reasonably necessary so that the building and land can be used for a use granted under Class R. The Council has not raised any concerns that the proposed works themselves go beyond what is reasonably necessary to achieve this, for example by providing superfluous accommodation or features.”

2.7 The Council considered that the works were so significant that they would go beyond what could reasonably be considered to be the conversion of the building. The Council relied on the *Hibbitt* judgement in support of their view.

2.8 Regarding the considerations of *Hibbitt*, the Inspector identified two issues. Firstly, the application follows a Class R application and is not a Class Q application. Secondly, the Council had already confirmed that the change of use did not require prior approval and therefore it already benefitted from planning permission granted by the permitted development right.

2.9 Regarding Class Q, *Hibbitt* and the specific wording of operational development under Class R, the Inspector states:

“Class Q(b) allows for building operations reasonably necessary to convert the building to a dwelling. The concept of conversion is central to the Hibbitt judgement. This is because the building operations within the permitted development right must be reasonably necessary to convert the building (emphasis added). However, for the purposes of Class R the term “associated operational development” means “building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class R.” Unlike in Class Q, the word “convert” is not used.”

2.10 The Inspector continues to address the specifics of the *Hibbitt* judgement, and its differences with Class R. In paragraph 15 of the decision letter, the Inspector states:

“15. The Hibbitt judgement also makes reference to paragraph 105 of the Planning Practice Guidance (the PPG). At that time the wording clarified that development under Class Q assumed that the agricultural building is capable of functioning as a dwelling, that it is not the intention of the permitted development right to include the construction of new structural elements, and that the existing building should be structurally strong enough to take the loading that comes with the external works. This advice is directly relevant to Class Q and there is nothing to suggest it should apply more widely to other classes. I therefore do not consider that it is of any assistance in this case.”*

*“*I am aware that paragraph 105 in the PPG has recently been updated and now no longer uses the wording quoted in the Hibbitt judgement. However, it is still only directly relevant to Class Q and so the updated wording is of no consequence to this appeal.”*

2.11 Turning to Class R development, the Inspector points out the important considerations resulting from the permission accrued through the Council's confirmation that prior approval was not required. Paragraph 16 of the decision letter states:

"16. The confirmation by the Council that prior approval was not required means that permission exists for the change of use of the building to a hotel. This is a very significant factor and it cannot be set aside. The development that is subject to this appeal is not for the change of use, nor is it for the construction of a new hotel. It is expressly for the building works that relate to implementing the change of use. The works proposed are extensive and would result in new external walls on all four elevations and a new external roof. However, given the nature of the existing building, I cannot envisage that works which were significantly more modest than what is proposed would be sufficient to allow the building and land to be used for its intended purpose. The works would not exceed what is reasonably necessary."

2.12 Further clarification as to the extent of works considered allowable under Class R are set out by the Inspector:

"The concept of conversion is not embedded in Class R and there is no specific advice in the PPG as to what, if any, limits there should be on the extent of any associated operational development in a subsequent planning application."

2.13 The Inspector goes on to consider the Council's argument relating to a previous appeal decision resulting from an application for planning permission at the same site for the conversion of the building into holiday units. The Council argued that Policy 28 of the Cotswold District Local Plan was relevant. The policy required that the building was:

"...structurally sound, suitable for, and capable of, conversion to the proposed use without substantial alteration, extension or rebuilding which would be tantamount to the erection of a new building."

2.14 When considering this evidence, the Inspector states:

"I do not have full details of that scheme. However, the evidence suggests that the works were more extensive than what is now proposed. Regardless of this, that related to an application for planning permission to convert the building. It is not comparable to the current situation where the permission for the change of use already exists. The conclusions of that appeal decision are not, therefore, decisive."

2.15 The Inspector provides further clarity on the policy position when assessing such applications that flow from Class R of the Order:

“Policy 28 of the LP [Costwold District Local Plan] is relevant to converting buildings to alternative uses, and the context of the policy is relevant to both any inherent change of use as well as the building works proposed. Seeking to apply the full rigour of the Policy to associated operational development for Class R development would fetter the application of the GPDO. As such, while matters of detail, such as those related to design would be material, the aspects of the Policy that would fundamentally inhibit the use of the building for its intended purpose under Class R cannot be given any significant weight as the change of use has already been granted.”

2.16 The Council raised several other issues relating to the use of the building and conflicts with AONB and the location. The Inspector is clear in all regards in relation to these issues that the impacts that may arise are not directly related to the operational development and falls outside the scope of the appeal under consideration.

2.17 The Inspector allowed the appeal. In the closing comments, it is stated:

“I note there are some concerns that allowing this appeal could set a precedent for the reuse of similar buildings. However, I have had to consider this appeal in the specific context that the use of the building as a hotel under Class R has already been established.”

DOWN FARMHOUSE, CHILMARK – 3260576

2.18 The appeal at Down Farmhouse was made against Wiltshire Council’s refusal to grant planning permission for the operational development required to carry out the change of use of the barn to a hotel.

2.19 The planning officer stated in the report, *“The insertion of a first floor and external alterations which include timber cladding, new wall at first floor level on front elevation, insertion of windows and rendering of block wall at lower level would give a domestic appearance to the property entirely unlike the existing agricultural barn. It is noted that the works would be inappropriate for an agricultural building if that was the buildings only intended use as such the proposal would be contrary to policies CP51 and CP57 of the Wiltshire Core strategy.”*

2.20 The Planning Inspector stated in the appeal decision that the applicant proposed the *“creation of an internal first floor, new exterior walls on the front elevation, re-cladding the exterior of the building and insertion of doors and windows. The building is currently enclosed on three sides with an open front, therefore some additional enclosure would be needed in order for it to be used as an aparthotel.”*

2.21 It is noted that the application building at Wylde Goose Farm is enclosed on all four sides, unlike the building at Down Farmhouse, which required an entire fourth wall to be infilled.

2.22 As the building at Down Farmhouse was located in an Area of Outstanding Natural Beauty, the main issue was therefore the effect of the proposed development on the character and appearance of the area.

2.23 The Inspector noted, ***“The building is set in a cluster of buildings...”*** and ***“The building is well screened from public views by trees, hedges...”***. It is acknowledged that the building at Wylde Goose Farm is also sited within a cluster of buildings, and is thus well-screened from Ashbourne Road, from which it is sited over 200m away.

2.24 The Inspector confirmed the use of timber cladding would be an acceptable choice of material, ***“The timber cladding proposed on the exterior of the building would be similar to that on other buildings on the site, including other agricultural buildings.”*** The scheme at Wylde Goose Farm also proposes timber cladding to respect the existing building and those in the immediate locality.

2.25 The proposal at Down Farmhouse included external features such as a Juliette balcony, and the Inspector considered this as acceptable and, therefore, falling within the definition of ‘reasonably necessary’ operational development. In this regard the Inspector stated, ***“The proposed double doors and Juliet balcony on the end elevation would appear more domestic than the other openings, however with the simple balcony screen proposed they would not be a dominant feature.”*** No such features are proposed at Wylde Goose Farm, thus retaining a more rural aesthetic.

2.26 In terms of the overall scope of work proposed at Down Farmhouse, the Inspector stated, *“Consequently, with the proposed operational development the building would retain the overall appearance of a rural building and would not have an overtly residential character. This would be reinforced by use of materials of appropriate colour, treatment and finish, which could be secured by a planning condition.”*

2.27 In the same way, the proposed design for the building at Wylde Goose Farm successfully retains its rural character, with minimal noticeable additions limited to the introduction of windows and doors. These subtle modifications are in keeping with the agricultural aesthetic and ensures the structure continues to blend seamlessly with its surroundings.

2.28 Given the design approach, the building will not take on a residential appearance but will remain consistent with the established farm context. As a result, it will harmonise with the character of the area, ensuring it does not appear incongruous or out of place within its rural setting.

3 STAFFORDSHIRE MOORLANDS COMPARABLE DECISION

3.1 This section aims to illustrate the Council's recent interpretation of a Class R operational development application. It is important that the Council maintains consistency in its decision-making process with regard to such applications, ensuring that similar cases are treated in a uniform manner.

SMD/2023/0135 – WOODEND MANOR, ST9 0BU

3.2 This application sought operational development following approval of application DET/2022/0043 (for change of use of agricultural building into two holiday lets). The application building is shown below.

3.3 At first glance, it is evident that this building is significantly more dilapidated than the application building at Wylde Goose Farm, with large sections of the building missing and, therefore, not being wind or watertight. The Council deemed the provision of infill large areas with new internal and external walls, insulation, a new roof, new windows and doors all to be reasonably necessary.

This interpretation aligns with the conclusions drawn in the case law section above.



Figure 2: Application building - DET/2022/0043

3.4 In regard to the works proposed, the officer stated, ***“The works applied for include the filling-in of the current steel-framed open barn with stone walls and dark grey aluminium windows and external doors and the provision of hard surfacing to form an extension of the access up to the site and a parking area with two spaces per unit. The existing metal sheet roof would be replaced with new profiled metal cladding.”***

3.5 A comparison of the existing and proposed front elevation is shown below.

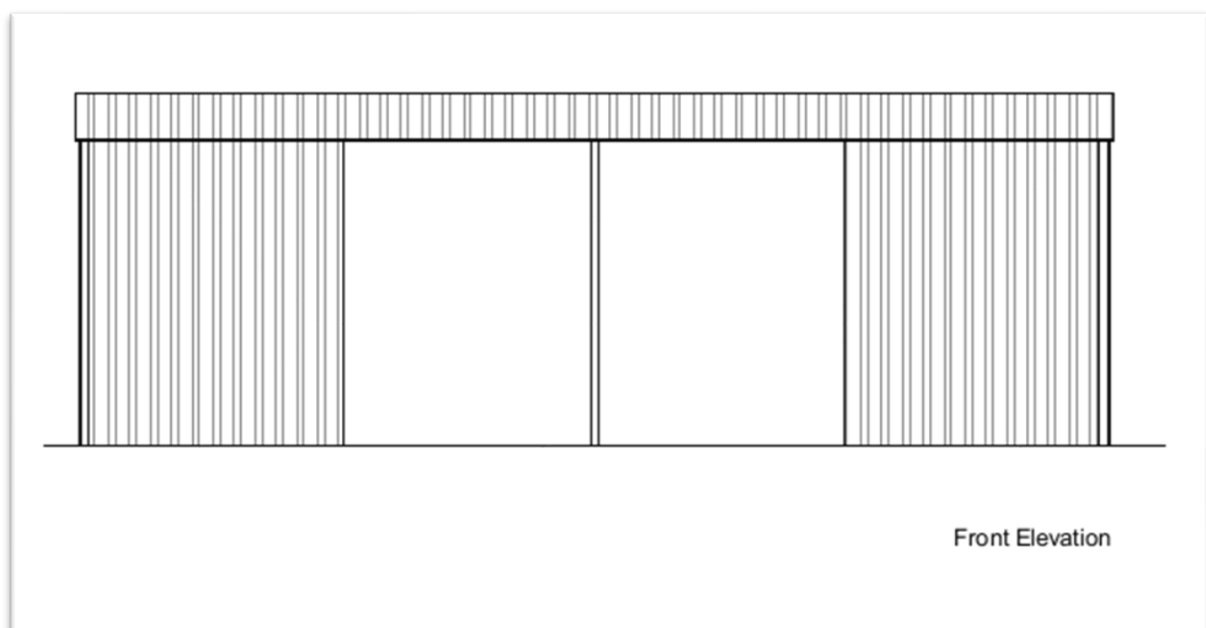


Figure 3: Existing front elevation

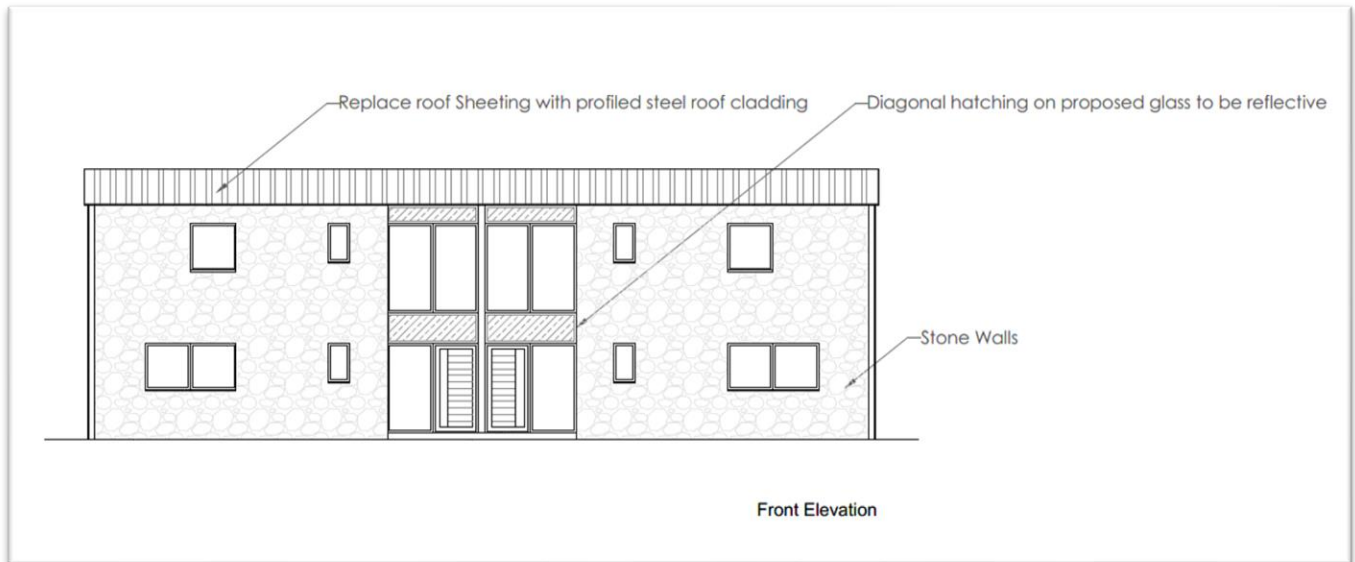


Figure 4: Proposed front elevation

3.6 The works proposed under this application comprised the following –

- Replace the existing walls with new stone walls and window/door openings
- Infill the open-sided walls with new stone walls and window/door openings
- New profile sheet roof
- Internal works and insulation

3.7 The existing building's elevations comprised part corrugated sheeting in poor condition and was part open-sided. The corrugated sheeting was rusted, the roof also had holes throughout, and the building was not water and wind-tight. The applicant proposed to replace the existing materials for entirely new materials, such as stone and timber cladding. Areas of the elevations which had no existing cladding the council allowed for these to be infilled with new stone walls.

3.8 With regards to the proposed works the officer stated, **"It is considered that the proposed works, mainly comprising the provision of external and internal walls and required insulation materials, new roof, windows, doors a driveway connected to the access road and parking spaces would be "reasonably necessary" in order for the new serviced holiday accommodation to effectively operate and that there are no other works which could be deemed to be excessive for the use to operate. There are no extensions proposed for example."**

3.9 It is noted that the proposal also included the addition of a first floor to allow for additional Class R accommodation; as the overall floor area was below the 500 sqm allowance; this alteration was considered acceptable.

3.10 With regards to the impact on the rural character and appearance of the area, the officer stated, *“The use of stone finishing materials is in keeping with the rural and traditional qualities of the area and although the window materials, design, shape and colours could be described as modern, it would not introduce a harmful appearance of development given the current shape, materials and modern portal form of the building, with its metal-sheeted structure would remain. A short section of hardstanding would be needed to connect the building to the track in the south-east corner of the field and a parking area adjacent to the building but these works would not be visually intrusive in the landscape. The site is in an Ancient Slope and Valley Farmlands landscape as described in the Council’s Landscape and Settlement Character Assessment and stone buildings are one of the characteristics of the landscape type outlined although the landscape is also described as being “not particularly sensitive to change”. The proposed works would comply with Policy DC1 of the Local Plan in this respect.”*

3.11 It is noted that the original building at Woodend Manor consisted of rusted and damaged corrugated metal sheeting, all of which was removed to allow for the construction of entirely new stone walls. Additionally, a significant number of large openings were installed across all four elevations of the building. Despite the stark transformation, **the Council deemed these changes acceptable under the interpretation of ‘reasonably necessary.’**

3.12 In contrast, no such drastic alterations are proposed in the application for Wylde Goose Farm, with the main external changes being the replacement of timber cladding and roofing and the insertion of windows and doors. On this basis, these modifications would similarly fall within the scope of ‘reasonably necessary’ operational development.

3.13 In conclusion, the officer stated, ***“The works to allow the previously approved change of use under Part 3 Class R of the GPDO are acceptable. The works are deemed to be “reasonably necessary” for the previously approved change of use to operate and are not excessive for this purpose.”***

4 PLANNING POLICY

4.1 This section outlines the key planning policies relevant to the application, providing a framework that guides the development and ensures compliance with local and national regulations. These policies are integral in shaping the proposal and addressing critical planning considerations

STAFFORDSHIRE MOORLANDS LOCAL PLAN (ADOPTED SEPTEMBER 2020)

- SS9 – Smaller Villages Area Strategy
- SS10 - Other Rural Areas Strategy
- SS11 – Churnet Valley Strategy
- H1 – New Housing Development
- DC3 – Landscape and Settlement Setting
- DC1 – Design Considerations

NATIONAL PLANNING POLICY FRAMEWORK 2023

4.2 Paragraphs 8 - 11 sets out a presumption in favour of sustainable development:

4.3 The Framework gives significant weight to economic growth stating at paragraph 85:

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

4.4 Specifically relating to supporting a prosperous rural economy, paragraph 88 states:

Planning policies and decisions should enable:

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*

5 PROPOSAL

DESIGN AND OPERATIONAL DEVELOPMENT PROPOSED

5.1 The accommodation proposed is located within an existing building that occupies the site under C1 use as permitted by Class R. The proposed building has a floor area of 194sqm (GIA).

5.2 The internal layout will comprise of two units. Each unit will provide an open plan kitchen-diner and living space, three bedrooms and two bathrooms. The building has been designed to be suitable for the hotel (apartments) accommodation in line with the approved use for the building.

5.3 The operational development reasonably necessary includes the following:

- Install new profiled fibre cement sheeting roof with roof lights
- New walls with openings to facilitate the approved use of the building

5.4 The proposed floorplans are shown below.

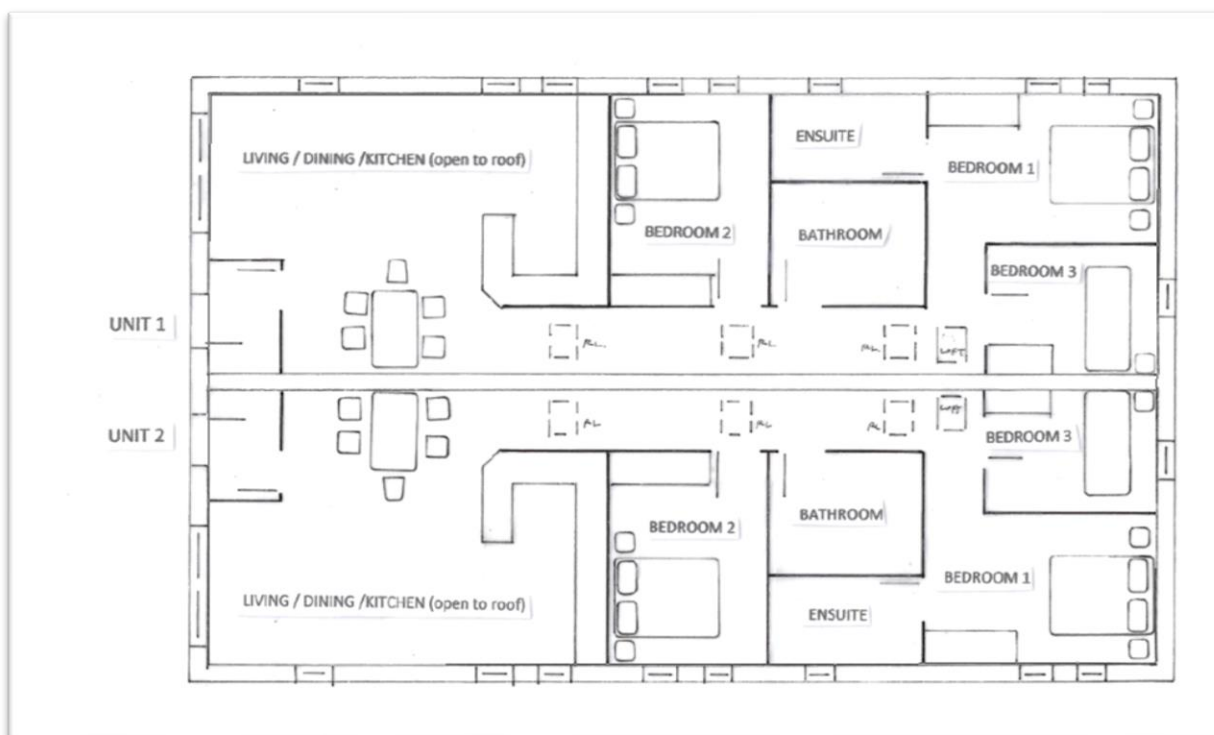


Figure 5: Proposed floor plan

INTERNAL ARRANGEMENT

5.5 Internal works are not classed as development in accordance with Section 55 (2)(a)(i) of the Town and Country Planning Act 1990 (as amended).

PARKING & ACCESS

5.6 Four parking spaces are provided to the front of the building. Vehicles can enter from, and exit to, the public highway in a forward gear via the existing site access.

6 APPRAISAL

PRINCIPLE

6.1 Planning permission for the change of use of the building has been granted through the prior approval process and the C1 use is established.

ASSESSMENT OF APPLICATIONS FOLLOWING CLASS R

6.2 Class R of the Order confirms that the operational development reasonably necessary to carry out the use requires the submission of a planning application. The comparable appeal at Middle Duntisbourne, evidences that the consideration of the works are not constrained because the use of the building has already been established.

6.3 Furthermore, the comparable appeal stresses the test set out in the Order relating to the works being reasonably necessary, and that the full rigour of applying policies within the development plan would *'fetter the application of the GPDO'*. It is therefore considered that the consideration of the proposed works should rest solely on whether they are reasonably necessary. Policies relating to the principle of the use of the building are not considered applicable.

REASONABLY NECESSARY

6.4 The existing building is not untypical of an agricultural building. The building comprises concrete blocks with timber cladding above to form the walls, and corrugated roof sheeting. The building is in a dilapidated state and requires works to make it suitable for the new use. For the use to be carried out, it would need to meet building regulations. The proposed design embraces the character and appearance of a rural building to retain the context of its setting and avoids an overly domestic appearance. The proposed design is not considered to cause material harm to the objectives of the NPPF regarding design.

6.5 The operational development is primarily required to replace the roof, provide new walls with openings for windows and doors where necessary. The primary structure of the building is retained. The operational development is considered to be necessary for the building to be used for its lawful C1 Use and to meet the requirements of building regulations. The proposed works do not include superfluous features nor extensions that may otherwise be found in C1 aparthotel accommodation. It is considered that the operational development proposed is reasonably necessary for the approved use under Class R of the Order.

6.6 As outlined in Section 3 above, the council has previously approved similar works on a building in similar condition. Therefore, the proposed works under this application should also be considered 'reasonably necessary'.

DESIGN AND LAYOUT

6.7 Policy DC1 states that development should “add value to the local area” and “be designed to respect the site and its surroundings”. The proposed design is not considered to cause material harm to the objectives of the NPPF regarding design. The design of the building makes use of its simple but efficient form and proposes to offer two C1 units. The living arrangements are enhanced by the glazing offered to the proposed building.

6.8 The proposed building would be enhanced aesthetically and improve the overall appearance of the site. The preservation of this building would secure its optimum viable use and lead to an overall enhancement to its immediate setting as opposed to it being left to fall into disrepair. The unit is suitable for families and visitors to Staffordshire. The proposal is considered to be in accordance with policies DC1 and SS10 of the Staffordshire Moorlands Local Plan.

HIGHWAYS

6.9 The approved site plan under application DET/2024/0004, allowed for up to six parking spaces. Under this proposal, four parking spaces are proposed, two spaces for each unit.

7 CONCLUSION

7.1 The application building has permission for the change of use to C1 use, granted through Class R of the Order. The operational development required to use the building for C1 use is set out in this statement which accompanies the relevant application as set out in the Order.

7.2 Having the principle of the change of use established means that the considerations for the proposed development rest on whether they are reasonably necessary for the approved change of use. This application type has been assessed in an appeal in Middle Duntisbourne, **the Inspector in that appeal confirmed that the full rigour of Local Plan policies relating to the principle of the use was not required.**

7.3 The assessment of the proposed operational development concludes that the works would be reasonably necessary for the approved use of the building to be carried out. The proposal is considered to be in accordance with the relevant policies of the Staffordshire Moorlands Local Plan and the proposed alterations are considered reasonably necessary, in accordance with the legislation requirements. The approach taken is consistent with earlier decisions made by the Council.

7.4 The proposed scheme, in conjunction with the approved change of use, is considered to be a sustainable form of development that would enhance the vitality of the rural area. It is respectfully requested that the application is approved, allowing the approved change of use to be carried out.