

DELEGATED DECISION REPORT

DET/2024/0033
Valid 27/08/2024

WEATHERWORTH MANOR
FARM COOKS LANE
BRADNOP

**APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A
PROPOSED: CHANGE OF USE
OF BUILDINGS ON
AGRICULTURAL UNITS AND
FORMER AGRICULTURAL
BUILDINGS TO ONE
DWELLINGHOUSE (CLASS
C3), WHICH MAY INCLUDE
EXTENSION OF THE
BUILDING AND/OR 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

DESCRIPTION OF SITE

The site comprises part of a farm with a traditional small detached two-storey stone barn and which lies about 1km to the south-east of Bradnop village and 600m to the north-east of A523. The site is accessed via a long farm track which connects onto Cooks Lane, a dead-end country lane to the south. The barn is on the northern perimeter of the group of farm buildings with its back to open fields to the north which are also outside of the ownership of the farm. A public footpath also lies to the rear (north) of the site. To the south is a yard and the farmhouse lies to the other side of

this further to the south. The garden to the farmhouse lies to the west of the barn. Modern farm buildings lie to the east of the barn. The farm is surrounded by open land which rises upwards from the A523 towards Blakelow Road/Morridge Edge to the north-east.

PROPOSAL

The application is an “Application for the Determination of Prior Approval” for the conversion of the barn into a single 2-bed dwelling. There would be no extensions or any rebuilding of the walls and a staircase, upper floor and new roof timbers have been provided (perhaps in relation to a previous planning permission for the conversion of the building into a holiday let). All the existing openings would be re-used as windows and doors. New openings would comprise French windows and bedroom window in the gable side elevation, a small front window for the side lean-to (which would become a utility room) and six small rooflights (three on each roof slope).

This is a resubmitted Class Q planning application following the refusal of one in 2023. Although it was deemed to pass the tests in Class Q1 and therefore could be applied for via the Prior Approval process to convert the barn under permitted development not requiring full planning permission, it failed to meet all of the tests in Class Q2. It was considered undesirable and impractical to convert the building as it had not been established if any bats, a protected species, likely to be using the building, were present. It was also refused because the proposed residential curtilage, i.e. the land around the new dwelling to be used for domestic purposes (such as for parking and/or a garden area), far exceeded the size of the footprint of the building, contravening Class Q.3(1). The application was therefore refused.

The new revised application now put forward includes a Preliminary Roost Assessment report (dated Nov 2023) which assessed the potential of the building to accommodate bats and also a Bat Emergence Surveys report (dated August 2024) to demonstrate that no bats were present in the barn during the optimal roosting time when surveys were carried out (i.e. Summer 2024).

The red line application site boundary has also been reduced in size and removes an area of land within a field to the west which was proposed to be used as a new access separate from the current farm access. Amended plans received on 22.10.24 further reduced the red line to no larger than the footprint of the building to be converted. The red line is tightly drawn around the building but also includes part of the farmhouse garden immediately to the west of the barn, to be used as a garden area for the proposed dwelling. The rest of the farm property and existing long farm access up to Cooks Lane are included within a blue line and the parking area for the proposed dwelling is included on an adjacent existing shared yard area immediately to the east of the barn.

These are the only changes to the 2023 application. The proposed conversion works, internal layout and proposed external windows, rooflights and doors remain exactly the same as the previous scheme.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

National Planning Policy Framework – Revised December 2023.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2004/0657: Conversion of barn into holiday accommodation. Approved but not implemented.

DET/2023/0018: Previous Class Q application to convert the barn into a dwelling. Refused on 25.8.23.

CONSULTATIONS

Publicity

Site Notice expiry date: 15.10.24
Neighbour consultation period ends: 15.10.24
Press Advert: N/A

Public Comments

None.

Town/Parish Council Comments

No objection.

Local Highways Authority

No objection.

Environmental Health Section

No comments were received but in the response to the previous application (DET 2023 0018) no objection was raised subject to standard conditions applied to barn into dwellings conversions on farms but with an additional condition requiring sound insulation to protect the occupants of the proposed dwellings from farm noise, only in the event that the dwelling is sold off separate to the farm.

Staffordshire Wildlife Trust

No objection. We note that no evidence of roosting or nesting birds was recorded within building B1 during the bat surveys. The inclusion of artificial bat roost and bird nesting features would be a welcome enhancement within the barn conversion if this can be incorporated but is not an essential requirement in this case.

SMDC Waste Collection Service

No issues regarding waste collections.

OFFICER COMMENTS

The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) in 'Part 3 – Changes of Use', 'Class Q', 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.

This is a resubmitted Class Q application following the refusal of the previous application last year. The proposal continues to meet all of the criteria/tests under Class Q(1) for applying for a conversion under Class Q of the GPDO. For example, the previous use of the building was for agricultural purposes. Although a planning permission was granted for the change of use to a holiday let in 2004, this does not appear to have been implemented as although some works have been undertaken, there are no new windows (existing openings are covered by original timber shutters and doors).

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 local highways authority (SCC) has raised no objection as the provision of one small 2-bed dwelling would not lead to any significant traffic creation.

With regard to the noise impacts of the development, the site is within a working farm property and so the occupants would encounter a certain degree of noise and disturbance, but this is to be expected on working farms and would not necessarily lead to any significant harms to living conditions or overall residential amenity. The Environmental Health Section did not object to the previous application and recommend a Noise Insulation condition only in the event that the new dwelling is to be sold off to a third party. However, I was informed by the applicant at the time of the previous application that the new barn dwelling would become a home for a family member. Even if the new dwelling had been sold off to a third party, any purchaser would be aware they are living next to a working farm and would expect some degree of farm noise. I consider this particular test of Class Q(2) has been passed and do not consider it necessary or reasonable to apply a noise insulation condition.

With regard to the contamination risks on the site, there is likely to be some contamination as a result of the site traditionally being part of a working farm but this is unlikely to be significant to the extent that it affect the future occupants of the building. The Environmental Health Section did not object to the previous application and consider a contamination survey would be too onerous and instead recommends a condition requiring details and measures only in the event of

“unexpected” ground contamination being found, for example, if the outdoor amenity/garden area is to be soft landscaped. The amenity area included in the site is already a garden area used by the farmhouse residents. This particular test has been passed.

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. The farm is in a fairly elevated position on a hillside. This particular test has been passed.

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, there are no such concerns in this respect. One of the potential impacts that could occur in a rural location is the impact of conversion works on bats, a protected species. The building being a traditional stone barn in a rural area is deemed to have significant potential for being used as a bat roost. With the previous application, no Ecology or Bat Survey Report had been submitted to assess the impact on the protected species which raised the concern over the impact on the ecological value of the area as a result of the proposed additional works required for the conversion. It was therefore considered the previous proposal was “undesirable” for this reason and the application was refused partly on this basis. However, this new application included survey reports which stated that although the building had moderate potential for bats, no bats were discovered at the optimal time of year following surveys throughout the summer months of 2024. This removes the concern over bat impact and therefore this particular test in Class Q has now been deemed to be passed.

The unsustainable location could be considered to amount to an undesirable impact. However, there have been case decisions at appeal where the level of sustainability of the location of a site should not be used alone to refuse an application on the grounds of a Class Q scheme being undesirable. The issue of the level of sustainability of the location is not to be taken into account in Class Q applications.

Essential services and infrastructure for the occupants of the barn such as electricity and water supply can be provided particularly as there are other nearby dwellings at the property (the farmhouse) which have such services and therefore the required infrastructure can be easily extended to the application site. There is nothing to suggest that it would be impractical to use the building as a dwelling via conversion works and which can function as a dwelling with decent living conditions.

The dwelling can also be provided in a building of this size without contravention of the governments Nationally Described Space Standards which aims to ensure an adequate amount of living space is created for the eventual occupants in the interests of their residential amenities/living conditions. There is also space within the red line which could be used as separate private outdoor garden area for the enjoyment of the occupant(s) although if it was to be used by a family member as intended there is a garden of sufficient size attached to the farmhouse.

With regard to the design or external appearance of the building, this is a traditional stone barn of some character but is not listed although could still be regarded as a non-designated heritage asset. The new French windows and bedroom window

inserted into the side gable are not in keeping with the traditional barn form but these are required to allow sufficient light into the rooms in the interests of living conditions and are also well screened and not visible from the main view of the barn across the yard when looking at the primary front elevation. These windows would also not lead to any harmful overlooking of other properties as the dwellings in that direction (west and south-west) are over 60m away and screened by trees. The additional window in the utility room on the front elevation is unnecessary but small and subservient. All the existing openings including on the important primary front elevation would be re-used and not enlarged. Although there are a number of rooflights these are also small. These are also required to let in sufficient light into the first floor rooms. Despite the concerns of the Conservation Officer when consulted on the previous application, over the new side gable windows and rooflights, the barn would still maintain its traditional appearance and form and would therefore pass this particular test. There would be no changes to the conversion scheme in relation to the previous proposal.

With regard to light provision, the existing openings and required new openings would allow adequate light into each habitable room. There is no significant concern over light provision for the benefit of the future occupants and their living conditions/residential amenities.

Part 3 also requires that the proposed residential curtilage, the land around the dwelling used for ancillary residential purposes (such as garden and car parking areas) be no larger than the footprint of the building. The previous application was refused partly for this reason. However, the new application has amended red line plans received on 22.10.24 which demonstrate that the residential curtilage within the red line would not exceed the size of the footprint of the building. Although the parking area is shown to be outside of the red line, it utilises an existing hard-surfaced yard area next to the building which is within the blue line which marks the boundaries of the farm property. The yard area has ample parking and turning space for the needs of the eventual occupants.

There have been no changes to the Part 3 Class Q of the GPDO since the previous application which now affect this new proposal and there have been no changes to the site or surroundings since the previous decision is August 2023. Changes to Class Q this year now permit a single-storey rear extension to agricultural buildings converted into dwellings. However, this is not possible for the barn on site as the rear wall is up against the farm property boundaries and would encroach into a field outside of the ownership of the applicant.

CONCLUSION / PLANNING BALANCE

The new application overcomes the reasons for the refusal of the previous application for the barn conversion under Class Q. The proposal remains to pass the tests in Q1 and the inclusion of a bat survey report and the reduction in the size of the application site and residential curtilage ensures that the scheme as a whole complies with all the other tests of Class Q. Prior approval can now be granted for the proposal to be carried out under permitted development under Part Class Q of the GPDO without requiring full planning permission.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston
Recommendation Date: 25.10.24

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council