

DELEGATED DECISION REPORT

DET/2024/0045
Valid 24/10/2024

MILL FARM GRATTON
LANE
GRATTON

**APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A PROPOSED
CHANGE OF USE FROM
AGRICULTURAL BARN TO
ONE DWELLING HOUSE**

**(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)**

MAIN ISSUES

Applicant seeks a determination as to whether the prior approval is required for details relating to the change of use of a building to a dwellinghouse, and if so, the prior approval of those details, relevant to Class Q, Part 3, Schedule 2 of the GPDO. As a starting point there must be consideration for whether the development would comply with the limitations and conditions at Class Q and whether the development would be permitted at all.

DESCRIPTION OF SITE

The 'site' (the building and its curtilage) appear on a wider unit of land that was granted a change of use planning permission in 2003 to provide an excavator training facility.

The building is a portal frame lock up shed. The shed was built after a Part 6 prior approval was granted in 2011 (11/00853/PNOT_1) for the erection of an implement storage shed.

The building comprises a steelwork portal framed mono-pitched roof building. Structurally the building consists of three supporting steel frames that, in a row, cross the width of the building with timber purlins and side rails supporting a profiled steel plastisol coated roof sheeting and cladding. A blockwork dado wall is provided to the full perimeter of the structure extending to a height of approximately 600mm.

The rear of the building is to the edge of, and parallel to, a watercourse and several mature trees are in close proximity to the building with several of the branches overhanging the roof to the building. It is for this reason that the building is not entirely square and has a rear and side elevation that runs at an angle.

Internally some lateral wind bracing has been provided to the roof structure no lateral bracing has been provided to the side elevations. A concrete floor has only been provided to a part of the building with a large section of the floor comprising exposed hardcore.

Additionally, not forming part of the 2011 approval, a single-storey timber cabin like addition abuts the left-hand side elevation of the building. This addition appears to

have been added relatively recently it has Upvc window casements and timber cladding and its agricultural purpose is not clear. Internally, the side wall between the cabin addition and the implement shed is insulated and provides a small personnel door between the two structures.

PROPOSAL

The change of use to a single dwellinghouse with proposed operational development which the applicant's agent describes as "associated building operations reasonably necessary for the building to function as a dwelling".

A prior approval has previously been granted for the change of use on the basis that, essentially, it would be used and restricted to the occupancy of the applicant who has connection with the wider site. This is a new application for prior approval, with a proposal that differs as follows:

- Seeks an approval that would not be subject to an occupancy condition and could be sold and occupied as an independent open market dwelling
- All of the walls and roof would be removed and replaced with new walls that would be clad with Kingspan insulation
- Includes within the proposed change of use further land to the west to provide two parking spaces and garden

The existing cladding will be removed and replaced with anthracite insulated steel cladding. Details of this cladding have been included on the proposed plans. To accommodate this new level of insulation, the cladding will protrude 0.2 metres from where the existing cladding previously sat, which is permitted under paragraph (h) of the GPDO, as amended in May 2024. An indicative diagram of this proposed wall "build up" is included on the submitted plans.

The existing roller shutter openings are to be replaced with larch cladding, matching that which is to the rear of the building. 3 new windows are also to be located in these existing openings. Additional windows will be added to the rear and side elevations. The door to the rear will be repositioned in order to provide more usable internal space. Internally, the application proposes 2 bedrooms, bathroom, utility and an open plan living space.

The cross section provided on plan confirms the provision of replacement wall "build up" between steels that would include additional structure of blockwork steel cladding rails and Kingspan wall panels.

The roller shutter doors would be replaced with timber clad walls that include high level slot windows serving the two bedrooms. There would be a parking space adjacent to the dwelling and a small area of amenity space to the rear.

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 Considerations
DC3 Landscape Characteristics
T1 Development and Sustainable Transport

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

03/01068/FUL Change of use of agricultural building to excavator training centre. REFUSED.
03/01349/FUL Change of use of agricultural building to excavator training centre. APPROVED.
09/00434/FUL Replacement agricultural shed. APPROVED.
11/00853/PNOT_1 Implement storage shed. Prior approval not required.
DET/2023/0015 Change of Use of an agricultural building to form dwelling. PRIOR APPROVAL REQUIRED & REFUSED
DET/2023/0045 Change of Use of an agricultural building to form dwelling. PRIOR APPROVAL REQUIRED & APPROVED

CONSULTATIONS

Publicity

Site Notice expiry date: 18/12/2024
Neighbour consultation period ends: 18/12/2024
Press Advert: N/A

Public Comments

None

Town / Parish Comments

Endon and Stanley PC: Awaited

Environmental Health

Contamination: The site has historically been used as an agricultural out building / hardstanding and may have some associated contamination (chemicals / asbestos from old buildings). A full contamination assessment would appear too onerous, however, it would be advisable that all soft landscaped / garden areas are tested for

contaminates (including Asbestos screen) to ensure suitability of use areas conditions are recommended.

Sound insulation: A noise assessment has been submitted in support of the application ref. Professional Consult ref. 24.034.1.R1 dated 20/6/2024. The determination is that the rating level of noise from the adjacent industrial activities will be below background sound levels, in addition the criteria in BS8233:2014 would be complied with. The assessment determines no specific mitigation is required.

Peak and North Footpath Society

We note that the PROW Endon with Stanley 49 is close to the proposed building. If planning permission is granted, please include a condition that there must be no obstruction of any public right of way. Should a temporary or permanent obstruction be unavoidable, then no development should take place until a Diversion Order has been confirmed, and the diversion route, with a satisfactory surface and adequate width and marking, is available for public use. Use of the PROW, and the safety of users must not be affected by the development, nor during the work taking place. Ramblers PROW Endon & Stanley 49 runs close to where the development is to take place. There is no mention of what effect it will cause on the path. This path must be protected and kept open for the public during or after the proposed development has taken place.

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Staffordshire County Council Highways

Acceptance.

Application is for conversion of an agricultural building to a dwelling.

Site already has approval for a dwelling by way of barn conversion under DET/2023/0045. Highways raised no objection to SMD/2024/0277.

Site is not in the most sustainable location. Journeys will likely be by private car. It is noted that for this application, the dwelling will not have an occupancy restriction. In its favour, Gratton Lane towards Endon is generally of adequate width to allow two vehicles to pass, forward visibility is good and there are a number of passing points. The likely slight increase in traffic created by a single dwelling is unlikely to be detrimental to highway or pedestrian safety.

Access is existing. It is surfaced immediately adjacent to the carriageway, though this would benefit from maintenance between carriageway edge and the stone setts.

Access is on the inside of a bend. Visibility is good.

Current records show that there were no Personal Injury Collisions on Gratton Lane within 215m either side of the property access in the previous five years.

Waste Collection

No issues

SCC Lead Local Flood Authority

Flood Zone 1

Yes, updated Flood Map for Surface Water shows ponding of surface water in the area of the building to be converted. Proposals are for an increase in vulnerability usage, from less vulnerable to more vulnerable residential development, consisting of kitchen and bedroom arrangement on ground floor.

As such, the design shall include flood resistant measures (i.e., raising of Finished Floor Levels) or the use of flood resilient measures/ materials to mitigate against the impact of surface water inundation.

The Site is located on the boundary of an ordinary watercourse to the north.

Although there is no fluvial flooding associated with this watercourse, the site is shown to be affected by surface water flooding during the 1000-year return period.

The Flood Risk Assessment shall therefore include mitigation measures to negate the impact of flooding by surface waters.

Preferably, it should be demonstrated that the Finished Floor Level (FFL) of the building is 150mm above the surrounding ground levels.

Where this measure is not achievable, the design shall demonstrate that surrounding ground can be profiled to fall away from the FFL and that infrastructure is included to intercept surface water prior to entering any points of access and egress to the building (i.e., ACO Drain).

If FFLs cannot be raised and re-profiling of surrounding ground is not feasible, then the design shall include infrastructure to intercept surface water prior to entering any points of access and egress to the building and use flood resilient materials to ensure that the building can be brought back into use following any occurrence of surface water inundation.

OFFICER COMMENTS

Is the development permitted?

Part 3 Class Q of the GPDO permits development consisting of a 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 dwellinghouse.

The application submits that the building is an implement storage shed on an agricultural unit and that the site (the building and its curtilage) was part of an agricultural unit on the 24th July 2023.

In 2003 planning permission was granted for a change of use of Mill Farm and its agricultural land to an excavator training centre. However, in 2009 planning permission was granted for a replacement agricultural building following fire damage, and in October 2011 agricultural prior approval was granted for the subject building. It is the applicant's evidence that, rather than create a mixed use planning unit, the training centre's planning unit, established with the permission in 2003, was essentially divided in half to create two adjacent planning units - the training centre to the east and the agricultural site to the west.

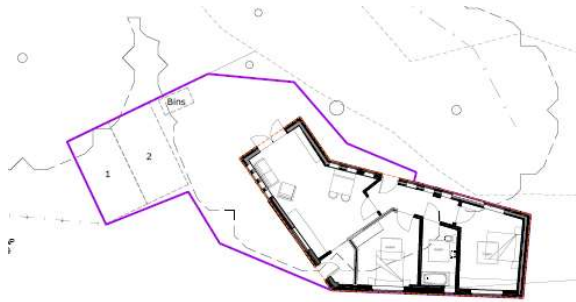
This position has previously been accepted by the Council and there is no reason to find differently here.

However, it occurs that there are three other reasons that mean that the development proposed with this application is not permitted by Part 3 Class Q of the GPDO:

- The development would include a change of use of land that extends outside of the building's curtilage (the site now extends into adjacent grassland to provide two parking spaces and garden);
- It is proposed to remove all of the walls and roof of the building and replace them, the work would appear to amount to rebuilding and exceed operations necessary to *convert* the building; and
- A timber cabin like recent addition has already been made without permission or approval, its agricultural purpose is not clear and with windows and internal insulation it appears to have been provided for habitation, it is indicative of a start of conversion works in advance of a prior approval application.

Proposed development outside of the curtilage

The application now proposes a change of use to land that is outside of what can reasonably be considered to be the curtilage of the building.



The building's curtilage can be considered to include a gravel surface immediately adjacent to the western side of the building that would provide one parking space (as per the 2023 approval). The arrangement shown in the proposed site plan includes the provision of two parking spaces to the other side of an existing fence and gate extending into non grazed grassland, providing biodiversity habitat, and toward the trunks of mature trees.

Development outside of the building's curtilage is not permitted by Class Q, Part 3, of the GPDO.

Building operations in excess of what is necessary to *convert* the building

The development would 'replace' all of the walls and the roof. Removing the single sheet walls and roof would leave just three widely spaced steel up rights with light timber cross pieces at roof height. The steel supports on their own, particularly because of their spacing, could not reasonably be described as a building capable of conversion. Clearly from the drawn detail of the submitted plans, those steel uprights are not capable on their own of supporting the new Kingspan walls because the cross section on the plan details additional blockwork structure between steels and horizontal steel cladding rails. Once new blockwork walls are in place throughout, then the presence of the steel up rights would seem rather superfluous to the building's structure. The operational development would amount to the rebuilding and provision of a new building rather than a conversion of an existing building. The proposed operations would exceed what is permitted by Class Q of the GPDO.

Works already carried out without permission or approval

Where the development proposed is development under Class Q(a) (change of Use) together with development under Class Q(c) (necessary operations to convert) development is only permitted subject to the condition that before the development commences, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required.

In this case part of the change of use incorporates an adjoining timber cabin like addition that has been made recently to the implement shed, before the submission of such an application. It has been added without permission or approval and its agricultural function is not obvious. It is faced with horizontal larch cladding, provides insulated containment and includes a upvc window, clearly with some form of habitation in mind. As proposed the addition would provide living space essential to the scheme, there would be no alteration to the external appearance of the cabin, bar for the replacement of the window with a patio door. To this extent, the addition already carried out amounts to a start of works before the condition is complied with.

Consideration of the Issues

With this application it must be determined as to whether prior approval is required and can be granted as to:

(a)transport and highways impacts of the development – **no issues arise**

(b)noise impacts of the development – **no issues arise**

(c)contamination risks on the site – **discussed below**

(d)flooding risks on the site – **discussed below**

(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 dwellinghouse – **discussed below**

(f)the design or external appearance of the building – **no issues arise**

(g)the provision of adequate natural light in all habitable rooms of the dwellinghouses
– **discussed below**

(c)contamination risks on the site

Environmental Health officers note that the site has historically been used as an agricultural out building / hardstanding and may have some associated contamination (chemicals / asbestos from old buildings). They consider a full contamination assessment to be too onerous a requirement. However, they advise that all soft landscaped / garden areas are tested for contaminants (including Asbestos screen) to ensure suitability of use. Prior approval is required and could be granted subject to such conditions recommended by the Environmental Health officer.

(d)flooding risks on the site

The Environment Agency's flood maps show the site as being within Flood Zone 1 and the site is adjacent to a watercourse. A Flood Risk Assessment has been submitted with the application, the assessment concludes that the developed site will not contribute further to flood risk and would not be vulnerable in these regards.

However, the consultation response from the Lead Local Flood Authority points to the 'updated Flood Map for Surface Water' which shows ponding of surface water in the area of the building to be converted. Proposals are for an increase in vulnerability usage, from less vulnerable to more vulnerable residential development, consisting of kitchen and bedroom arrangement on ground floor.

The Flood Authority advise that the design of the development should include flood resistant measures (i.e., raising of Finished Floor Levels) or the use of flood resilient measures/ materials to mitigate against the impact of surface water inundation. Preferably, it should be demonstrated that the Finished Floor Level (FFL) of the building is 150mm above the surrounding ground levels. Where this measure is not achievable, the design shall demonstrate that surrounding ground can be profiled to fall away from the FFL and that infrastructure is included to intercept surface water prior to entering any points of access and egress to the building (i.e., ACO Drain). If FFLs cannot be raised and re-profiling of surrounding ground is not feasible, then the design shall include infrastructure to intercept surface water prior to entering any points of access and egress to the building and use flood resilient materials to ensure that the building can be brought back into use following any occurrence of surface water inundation.

The application details do not demonstrate that any of these mitigation measures are achievable or how the development might otherwise be protected against rising surface water.

(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 dwellinghouse

The building is located and sited pushed to the edge of the wider site that provides access and hardstanding that serves a larger agricultural shed to the south east and

an excavator training site to the east. Within that context the building does not have any containment or enclosure that separates or affords any discrete appointment against the rest of the wider site and the other activities.

The building has a rear elevation that is up against the bank of a water course and mature trees that overhang the building. The space to the rear of the building provides rather narrow and precarious access to the rear of the building but would provide little in the way of amenity space or outlook from windows.



Moreover, the building has a front elevation immediately adjacent to the access track that serves the other agricultural shed and the excavator training site beyond to the east. There is no forecourt area or garth that sets it apart or gives protection from that area or the passage of moving vehicles.



The land to the side of the building that might reasonably be considered part of its curtilage is limited to a small patch of hardstanding. Beyond that further to the west the land is separated from the building by a fence and gate, the other side of which is an area of ungrazed grassland that provides biodiversity habitat.

As discussed above the building is also in a location that is vulnerable to surface water pooling/flooding.

What this means is that the location or siting of the building makes it impractical and undesirable for the building to be changed to a dwellinghouse. The location and siting

of the building makes it impractical or impossible to provide a dwelling with any acceptable standard of outdoor amenity space or outlook from the windows serving habitable rooms either at the front or rear of the building. The land at the rear is a precarious strip to the edge of the water course that is not wide enough to provide garden. The land to the side of the building, within curtilage, only wide enough to provide a single pull on parking space.

The windowed outlook at the front from bedrooms would be within immediate proximity to the edge of the access drive to the training facility, to compensate and limit disturbance it is proposed to provide high level horizontal slot windows that would provide light to the room but little in the way of outlook or sense of space. At the rear the windows would look onto the edge of a watercourse and its embankments that are lined with mature trees and hedge.

Overall the dwelling would have limited available amenity space and be surrounded by and exposed to agricultural or commercial uses or movements – an undesirable form of development and poor quality contribution to the housing stock. The arrangement and proximity between existing and proposed development and activity would result in a substandard or poor level of amenity and living conditions for the future residents of a dwelling in this location.

While a noise assessment, submitted with the application, concludes that rating level of noise from the adjacent activities will be below background sound level. Noise from adjacent activity is not the only concern or limiting factor, the noise assessment does not address those other concerns discussed above.

(g)the provision of adequate natural light in all habitable rooms of the dwellinghouses

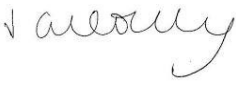
The proposed second bedroom would have just one window in the front elevation that abuts the edge of the access track that serves the training centre to the east and the larger agricultural shed to the south east. In what appears to be an attempt to compensate for this, the bedroom window would be limited to a high level horizontal slim slot window. In these regards the bedroom would be served by the high level window and a roof light. Together the windows would provide adequate natural light to the room. However, the room would have limited outlook.

CONCLUSION / PLANNING BALANCE

The proposed development is not permitted by Part 3 Class Q of the GPDO. Prior approval is otherwise required and should be refused particularly because the location and siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwellinghouse.

OFFICER RECOMMENDATION : THE DEVELOPMENT IS NOT PERMITTED. PRIOR APPROVAL WOULD OTHERWISE BE REQUIRED AND REFUSED.

Case Officer: Ben Hurst
Recommendation Date:

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council