

February 2025

Statement of Case

Lodgedale Farm, Hollington

Appeal against the refusal of Prior Approval application
DET/2024/0050 relating to the 'Change of
Use of Buildings on Agricultural Units and former Agricultural Buildings to 7
Dwellinghouses (Class C3), which may include extension of the building and/or
building operations reasonably necessary for the conversion'

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1 Introduction

1.1 Planning & Design Practice is a multidisciplinary practice consisting of chartered town planners, architects and heritage specialists. The practice operates across England and Wales and has an exemplary track record of submitting successful planning applications and in creating sustainable development.

1.2 This appeal Statement of Case has been prepared by Planning & Design Practice on behalf of Mr & Mrs Dale (the 'Appellant') against Staffordshire Moorlands District Council's (the 'Council') decision to refuse the Prior Approval application for the '*Change of Use of Buildings on Agricultural Units and former Agricultural Buildings to 7 Dwellinghouses (Class C3)*' at Lodgedale Farm, Hollington (application ref. DET/2024/0050).

1.3 The planning application was refused by the Council, citing the following reason for refusal:

"The current building, by virtue of its scale and modern storage and functional form is considered to have a poor design and appearance which is not significantly improved by the external alterations. It is considered the proposal would not lead to an acceptable design and appearance due to the scale and form of the building. The proposal therefore would fail to comply with Part 3 Class Q2(1)(f) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), Policy DC1 of the adopted Local Plan and the design provisions of the NPPF."

2 Site Description and Planning History

Site Location

- 2.1 The application site comprises of a building in an existing agricultural unit on the north side of Main Road. The site is located in the countryside around 1km west of Hollington and 4km east of Upper Tean. Access to the site is via Lockers Bank from the west. There is an additional access to the south, which is proposed to be used for alternative pedestrian access to the nearby village.
- 2.2 The farm holding includes 130 acres of land owned by the applicants, and 70 acres of rented land. The land is used for the grazing of horses and sheep and for growing hay. Lodgedale Farm contains livery stables and a covered menage. However, only 30 acres of land are used for horses, with the remainder of the holding being used to graze sheep and grow hay.

Relevant Planning History

- 2.3 DOC/2018/0008 – Discharge of Conditions – Approved (01/03/2018)
- 2.4 SMD/2017/0617 – Redevelopment of existing outdoor Manege site to create indoor/covered Manege – Approved (19/12/2017)
- 2.5 SMD/2015/0564 – Rebuilding of former farmhouse and stone outbuildings to form holiday accommodation – Refused (04/03/2016)
- 2.6 SMD/2015/0149 – Rear conservatory and alterations to previously approved extension (SMD/2013/0066) – Approved (29/04/2015)
- 2.7 SMD/2013/0066 – Proposed extension to provide additional living accommodation to enable two generations of the same family to live together – Approved (02/05/2013)
- 2.8 SMD/2011/0947 – Completion of access track, conversion of former farmhouse and stone outbuildings to self-catering holiday accommodation, demolition and rebuilding of existing agricultural building to provide stables, hay store & tack room, removal of other existing buildings and construction of new agricultural building – Approved (05/12/2011)

2.9 SMD/2009/0921 – Certificate of lawfulness for existing use of part of building

complex for livery / horse breeding purposes (involving 17 stables and 2 loose boxes), and the use of land as a manege – Withdrawn (15/12/2009)

2.10 SMD/2008/0703 – Alterations to elevations and ground levels of ancillary living accommodation – Approved (25/09/2008)

2.11 SMD/2008/0299 – Conversion of garage to ancillary living accommodation – Withdrawn (18/04/2008)

2.12 SMD/2014/0153 – Change of use an agricultural field and the creation of a manège – Approved (08/09/2014)

3 Proposed Development

3.1 The application seeks prior approval for the conversion of a building on an agricultural unit into 7 no. dwellings with an external area of up to 75sqm each, and a total floor area of 104sqm for layout A and 108sqm for layout B.

3.2 The barn is a metal-framed structure with corrugated roof and walls on 3 sides. Whilst one side is open, it is predominantly enclosed and in good structural condition, and is therefore capable of conversion. It was approved in 2011 as an agricultural building, under application SMD/2011/0947, and constructed in 2013 for lambing sheep and the storage of hay.

3.3 As part of the proposal, the converted barn will be painted a darker colour to assimilate with the area.



Figure 1: Barn as existing

3.4



Figure 2: Elevations as proposed

4 Appellant's Grounds of Appeal

4.1 Class Q, Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 is the relevant piece of legislation that permits the change of use and conversion of agricultural buildings to dwellinghouses (C3). The legislation states that the following development is permitted development:

(a) a change of use of—

- (i) a building that is part of an established agricultural unit and any land within that building's curtilage, or*
- (ii) 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 use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

(b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or

(c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building.

4.2 Firstly, in order for this change of use to be possible, it is necessary to examine whether the existing building is capable of conversion as part of the overarching principle of Class Q.

4.3 The Council confirms within the Case Officer's delegated report, that the proposal meets all of the criteria/tests under Q(1). Both parties also agree that the application meets the Conditions set out in Q.2-(1)(a) '*transports 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 (g) '*the*

provision of adequate natural light in all habitable rooms of the dwellinghouses’. This is not in dispute, with the final sentence in the Officer’s Report stating *“Prior approval is required and can be approved.”*

- 4.4 Given the above, this appeal relates to the interpretation of Class Q.2-(1)(f) *‘the design or external appearance of the building’* with regard to whether or not the proposal meets the above criteria.

The design or external appearance of the existing building and resulting conversion

- 4.5 The Council’s reason for refusal states:

“The current building, by virtue of its scale and modern storage and functional form is considered to have a poor design and appearance which is not significantly improved by the external alterations. It is considered the proposal would not lead to an acceptable design and appearance due to the scale and form of the building. The proposal therefore would fail to comply with Part 3 Class Q2(1)(f) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), Policy DC1 of the adopted Local Plan and the design provisions of the NPPF.”

- 4.6 Firstly, it is noted that in addition to the relevant Class Q legislation, specifically Q.2-(1)(f) which considers ‘the design or external appearance of the building’, the Council also refers to Local Plan policy DC1 and the design provisions of the National Planning Policy Framework (NPPF). However, no specific paragraphs of the NPPF have been highlighted.

- 4.7 The Appellant accepts that the consideration of local and national plan policies is correct in terms of Paragraph W. However, any assessment of local and national planning policies should be undertaken insofar as relevant to the subject matter of the prior approval, which in this case is the change of use of an agricultural building to a dwellinghouse. As such, the starting point for consideration of any local and national planning policies, in this instance, should be on the basis that the principle of development is acceptable and therefore the consideration of the design and/or appearance of an existing agricultural building should not be assessed against local or national planning policies.

- 4.8** Notwithstanding the above, whilst it is noted that the Council's reason for refusal and the assessment made by the Case Officer in their delegated report touches on the resulting appearance of the proposed conversion, the main area of concern relates to the design and appearance of the existing building.
- 4.9** In their report, the Officer describes the existing building as *"of functional and utilitarian character and appearance that is bereft of design merit and does not make a positive contribution to the landscape"*.
- 4.10** It is important to note that the building itself is set within a site of modern agricultural style buildings, and therefore the style of building itself is not uncommon within the landscape. Modern agricultural barns are not uncommon within the wider landscape of Staffordshire Moorlands, with there being many examples of modern agricultural barns which have been permitted for conversion to dwellings under the Class Q legislation (see appendices A, B & C).
- 4.11** Class Q allows for the conversion of modern agricultural buildings, and this should be taken as the starting point in assessing the design and external appearance of existing agricultural buildings.
- 4.12** Class Q does not limit the change of use of agricultural buildings based on their existing appearance and, importantly, it makes no distinction between modern or traditional buildings. To determine that *"the current building, by virtue of its scale and modern storage and functional form is considered to have a poor design and appearance"* and go on to conclude that *"the proposal would not lead to an acceptable design and appearance due to the scale and form of the building"* and would therefore fail to comply with Part 3 Class Q2(1)f of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) is, the appellant strongly contends, a highly questionable position for the Council to take.
- 4.13** The assessment of *'the design or external appearance of the building'* as set out in Q.2(1)(f) should be limited to the consideration of new window openings, doors etc... and, where relevant, use of new materials, as set out in Q.1(j). To extend the assessment further than this is considered to be irrelevant to the subject matter and contrary to Class Q legislation.
- 4.14** The Council's assessment of such applications is at odds with the government's intention of Class Q which grants permission for agricultural buildings to be converted to dwellings. It is nationally recognised

that the conversion of large modern agricultural buildings to dwellinghouses is permissible under Class Q, subject to meeting the relevant Class Q criteria.

4.15 The Appellant believes that the Council has misapplied the tests set out in Q.2(f) of the Town and Country Planning (General Permitted Development) (England) Order 2015 with regard to the design and external appearance of the existing buildings.

4.16 As previously mentioned, there are a number of other modern agricultural buildings which have been approved under the Class Q legislation, both within Staffordshire Moorlands District, and in other Council areas. A few examples of these are as follows:

4.17 Appendix A- Hayes Gate Farm, Oakamoor, Staffordshire (ref. APP/B3438/W/18/3202031)

- The agricultural building was a steel portal framed structure, with walls composed of block work to the lower parts, with a combination of timber slats and metal sheeting to upper parts. Despite the Council's questioning as to whether the building was intended to have a permanent presence on the landscape due to its "utilitarian design", the Inspector allowed the development at appeal stating:

"The fact that the proposal would extend the life of the building is not, of itself, a relevant consideration under Class Q. I have no evidence before me to indicate that the building does not exist lawfully or that it should not benefit from the permitted development right under Class Q, which as its starting point, grants permission for agricultural buildings to be converted to dwellings, and it must therefore be the government's intention that, in principle, such buildings can remain in the landscape and serve a new function as dwellings."

- Appendix B- Barnes Lea Farm, Rudyard, Staffordshire (ref. APP/B3438/W/22/3307380)

- The agricultural building was a modern steel portal framed structure, finished mostly with corrugated metal/fibre cement sheet above a blockwork based, with one wall being mostly timber clad. The Council's reason for refusal is similar to that of the current appeal, with

the Council describing the building as having a “functional form” and “poor design and appearance”. The Inspector, however, allowed the appeal stating:

“I acknowledge the site is seen in longer distance views, particularly from the east. However, for the reasons set out, in terms of its size and position remaining as existing, and the design and external appearance of the building being acceptable, I do not consider there would be a detrimental impact on the wider landscape. Although the Council reference the poor design of the existing building and that it does not contribute positively to the traditional rural character and appearance of the area, the proposal would continue to appear as a building with an agricultural character in a rural landscape...”

- Appendix C- Stubbins Farm, Stubbins Lane, Chinley (ref. APP/H1033/W/22/3295929)
 - The building subject was a modern steel-framed agricultural shed with a sloping concrete floor. It had a full height blockwork gable separating it from an adjoining agricultural shed on its eastern side. The remaining elevations variously consisted of areas of part-height blockwork, corrugated fibre-cement sheeting to the upper elevations and some openings. The roof has supplementary timber purlins supporting fibre sheeting. Despite the Council’s refusal, the Inspector allowed the appeal:

“Accordingly, in most views, the building would largely retain its existing character and agricultural appearance. Contrary to the Council’s position, I find that they would not appear prominent or cause undue harm to the character and appearance of the wider surrounding area.”

- Appendix D- Biddulph Park Road, Rushton Spencer (ref. APP/B3438/W/18/3213392)
 - The appeal building was a cattle shed and implement store. The building was a large open plan steel portal frame structure, constructed with concrete padstones & solid concrete base, and partial concrete panel walls and box profile sheets above this. The Council refused the conversion due to the resulting building being harmful to the visual character of the area, but the Inspector considered that the resulting design and siting of the building was acceptable:

"I acknowledge that the appeal building is of notable mass and somewhat 'monolithic' appearance in relatively open countryside, on a gently sloping hillside, and, as such, has a fair degree of prominence. Moreover, I recognise that the external appearance of the 'post-agricultural' building would be somewhat modernistic in concept. However, the building is some distance downhill from Biddulph Park Road...The addition of sandstone cladding to the concrete lower walls of the building would have a minor positive effect on its appearance, and counterbalance the moderately domesticating influence of new glazing on the outer facing south and west elevations. The combined factors described above would, overall, limit the visual impact of the change of the appeal building to a dwelling, to an acceptable extent."

- 4.18** These appeal examples also show that modern agricultural buildings are not uncommon within the wider landscape of the District. Whilst it is acknowledged that modern agricultural buildings do not have the same aesthetic as those of a traditional merit, their contribution to the landscape should not be dismissed or diminished.
- 4.19** It is clear that Class Q does not limit the change of use of agricultural buildings based on existing appearance alone and, importantly, Class Q makes no distinction between modern or traditional buildings. The Appellant is surprised by the Council's continued overtly restrictive assessment of modern agricultural buildings following the above appeal. It would appear that the council continues to maintain an objection in principle to the conversion of modern agricultural buildings despite their acceptability in principle under Class Q of the GPDO since 2013, with hundreds of examples nationwide.
- 4.20** Noting that it is the Government's intention to allow for the conversion of modern agricultural buildings, and to allow for building works reasonably necessary to facilitate the conversion, the prior notification allows for consideration of design and appearance. It is acknowledged that design is a relatively subjective matter for Prior Approval. The design and appearance of any Class Q conversion should be in keeping with the rural character of the setting. However, the very nature of a change from an agricultural building, particularly a modern agricultural building, to a dwelling house will invariably introduce a more domestic appearance in the form of new windows and doors, as acknowledged by the Inspector in Appendix A.

- 4.21 By virtue of Class Q limitations buildings must be ‘converted’ and not rebuilt. Class Q does allow for some external changes, as detailed within Q.1.(j) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The application proposed to retain the existing cladding on the barn, utilising existing openings for windows and doors. Where the front of the building is currently open, boarding and glazing is proposed to enclose the barn, which is considered to be reasonably necessary for the building to operate as dwellings. Importantly, this glazing will be recessed back, and the cladding will be painted a darker colour. This was set out in the submitted planning statement and has not been contested by the Council.
- 4.22 In the Officer’s Report, they have said that *“the proposed alterations would not significantly improved the design and appearance of the building”*. As referred to above, it is not the purpose of the Class Q legislation to not allow for the conversion of barns based on their appearance. It is therefore not necessary to significantly improve the design and appearance of building. Major alterations are not permitted under Class Q conversions, meaning that the character of the existing barns should be adhered to for any conversion. The proposed infill and glazing to the barn will be using matching materials to existing, with cladding painted a darker colour to assimilate with the area. The Appellant is happy for this to be conditioned, should the Inspector be minded to do so. Therefore, it is considered that the external changes proposed are within the scope of the Class Q legislation, in keeping with the character of the existing barn and its surroundings.
- 4.23 There is no realistic likelihood that the building will be demolished if the appeal is dismissed. Thus, with or without the development taking place, the building would continue to be a feature in the landscape. It is considered that the proposed conversion would have a simple, ordered appearance with the use of sympathetic materials, which would not result in an unduly prominent or discordant building, but rather one which would maintain much of its existing agricultural character.
- 4.24 The Officer’s Report goes on to say:
- “The exposed front elevation would be over windowed with large open sections of glazing that would make for an odd and alien form of development that would be incongruous and make a prominent intrusion into the countryside...Moreover, the glazing would reflect sunlight with glare and glint in the daytime and create a lantern effect at night, both would be harmful to the landscape.”*

- 4.25 Due to the barn as existing being open on the front elevation, it is not considered that the addition of glazing on this elevation would create an “*odd and alien form of development*”. Large openings are typical of a modern barn of this size and type, and is therefore not an alien addition to the countryside, nor is it incongruous to the barn itself. The barn is not proposed to be extended or go beyond its existing footprint in any way, and therefore will not cause any prominent intrusion into the countryside.
- 4.26 Firstly, it is important to make the distinction that the glazing proposed on the barn is necessary to allow for sufficient natural light to be provided to the habitable rooms proposed in the dwellings. This is a requirement of any dwelling created under permitted development rights, and has been acknowledged in the Officer’s Report as having been met in the proposal.
- 4.27 The glazing is set back approximately 3.3m from the eaves of the front elevation. When this is coupled with the fact that the front elevation is east facing, the glazing is likely to be shaded by midday, and therefore reflections from the glass are unlikely. The only public vantage point to the east is a public footpath, which offers an elevation view looking down on the barn. From this vantage point, the recessed glazing will be partly obscured and shadowed by the roof overhang, as the 3D visuals in Figures 3-5 (also in Appendices E-G) indicate. However, the Appellant is willing to use non-reflective glass in the windows if the Inspector wishes to condition this, but we do not think it is a necessary measure that needs to be taken.



Figure 3: View from North East



Figure 4: View from public footpath



Figure 5: View from South East

- 4.28** Whilst it is acknowledged that more light will be produced from the barn as a result of the conversion to dwellings, it is not considered that a harmful 'lantern effect' will be created. Due to the positioning of the glazing and the internal layout of the rooms, it is highly likely that occupiers of the proposed dwellings will install blinds for privacy, and to block out light. As well as this, the front elevation of the barn does not face onto a busy public highway or other outlooks in which people will be passing frequently at night, and therefore it is highly unlikely that anyone will see any light from the dwellings.

4.29 In the Officer's Report, it is claimed that the site is exposed, with Checkley Footpath 54 to the east providing a public vantage point of the building's front elevation. The Council have acknowledged that the building itself is set in a hollow, backing onto a retained land level. Due to this hollow, and the fact that the footpath is located approximately 130m away at the closest and 250m at the furthest, it is not considered that the building can be easily viewed from the footpath. Figure 6 shows a map which has the vantage point images below (Figures 7-10) on.



Figure 6: Map with view points on



Figure 7: View from main road

- 4.30** Figure 7 shows the view from the main road. It is seen that the barn is so far dug into the ground that you can only see the roof. It is not prominent as there is higher ground on all sides of the site. In the foreground, there is a menage and hedgerow, with the subject barn being located to the west of the other farm buildings, and is arguably the most hidden on all the site.



Figure 8: Due south of the barn

- 4.31** Figure 8 is located due south of the barn, where a hedgerow can be seen in front of the southern gable of the subject building. The east elevation of the barn is not prominent at this point.



Figure 9: South east of the barn

- 4.32** Figure 9 is taken slightly south east of the barn, where it can be seen that the existing trees provide some screening to the site. The proposed recessed glazing on the barn means that the windows will be largely shadowed. The barn is nestled within other buildings on higher ground.



Figure 10: Due east of the barn

- 4.33** Figure 10 is located due east of the barn, square on to the front elevation. The image shows that the barn is a fair distance away from the footpath, and is seen amongst the other buildings on site. As previously

mentioned, the recessing of the glazing, and painting of the roof and cladding in a darker colour will reduce any impact of the barn on this viewpoint.

- 4.34** If you were to carry along the above footpath, it leads into Broadmoor Wood, where visibility of the site ceases.
- 4.35** Consequently, it is considered that the proposed conversion would not materially alter the character and appearance of the area and would subsequently result not be harmful to the character of the rural landscape in accordance with Q.2-(1)(f). Noting that it is not the Government's intention to exclude modern agricultural buildings, and to allow for changes necessary for the building to become a dwelling, the conversion would not result in a level of harm that would warrant the dismissal of the appeal.

5 Conclusions

- 5.1 This appeal relates to the refusal of Prior Notification application ref: DET/2024/0050 for the change of use of an agricultural building to seven dwellinghouses (Use Class C3) Lodgedale Farm, Main Road, Hollington.
- 5.2 Both parties agree that the application meets the criteria of Class Q.(a), and this is not in dispute. The subject of this appeal is whether the proposed development under Class Q.(c) meets the requirements of Q.2-(1)(f) of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the requirements of Paragraph W of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 5.3 This Statement of Case has discussed the Council's reason for refusal with reference to relevant appeals where necessary and concludes that the Council have incorrectly interpreted the Class Q legislation and guidance documented in the Planning Practice Guidance in the decision to refuse the application.
- 5.4 The Council has misapplied the tests set out in Q.2(f) and Paragraph W of the Town and Country Planning (General Permitted Development) (England) Order 2015 with regard to the design and external appearance of the existing building and the resulting conversion. Class Q does not limit the change of use of buildings based on the design or appearance of the existing building and makes no distinction between modern and traditional buildings for conversion. The test is whether or not the building is capable of conversion to a dwelling, which the Council has accepted.
- 5.5 We therefore respectfully request for the Inspector to allow the appeal.



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