



Appeal Decision

Site visit made on 31 January 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2023

Appeal Ref: APP/B3438/W/22/3307380

Barnes Lea Farm, Reacliffe Road, Rudyard, Staffordshire SK11 0QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Julian Goodwin against the decision of Staffordshire Moorlands District Council.
 - The application Ref DET/2022/0026, dated 16 June 2022, was refused by notice dated 11 August 2022.
 - The development proposed is the change of use of agricultural buildings to one dwellinghouse (Use Class C3).
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of agricultural buildings to one dwellinghouse (Use Class C3) at Barnes Lea Farm, Reacliffe Road, Rudyard, Staffordshire SK11 0QZ in accordance with the application DET/2022/0026 dated 16 June 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. As there is no description of development provided on the application form, I have utilised the description from the decision notice and appeal form.
3. The appeal scheme meets the requirements of paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) (as amended) such that it would constitute development permitted under Class Q. For permitted development under Class Q(a) namely a change of use from an agricultural building, together with development under Class Q(b) which provides for building operations reasonably necessary to convert the building to a Class C3 dwellinghouse, prior approval is required in respect of a number of matters, including the design or external appearance of the building.
4. The principle of development is established by the GPDO, and the relevant provisions do not require regard be had to the development plan. I have only had regard to the referenced development plan policy and the National Planning Policy Framework (the Framework) insofar as they are material considerations relevant to the matters before me.

Background and Main Issue

5. The Council has not raised any concerns in relation to noise impacts of the proposal, contamination and flooding risks, or the transport or highways impact of the proposal. No concerns have been raised on the location or siting of the building which would make it otherwise impractical or undesirable for the building to change from an agricultural use to a dwellinghouse. On the evidence before me, I have no reason to come to any alternative view and the main issue therefore is the effect of the proposal on the design and external appearance of the building.

Reasons

6. The appeal proposal comprises of a modern steel portal-framed agricultural building, externally finished in corrugated sheeting, blockwork and timber cladding. It is situated amongst a group of other buildings, both traditional rural buildings and those that have a modern agricultural form. The site is set in an elevated location within an open countryside location that has a rural character and appearance.
7. The existing building has a functional form, but as the Council acknowledge, such modern agricultural buildings are not uncommon in rural areas. Whilst noting reference to the large size of the appeal building and its prominent location, the proposed scheme would see no changes to the footprint, height or location of the appeal building.
8. In terms of the proposed external appearance, the building would retain the existing timber cladding. This is a material that is typically used in rural buildings, and the proposal, by replacing areas that are currently clad in corrugated sheeting with a matching timber finish, would result in a building with a more consistent, unified external finish. Despite the introduction of large areas of glazing, these would mainly be set behind 'hit and miss' timber boarding or utilise existing openings. As such, I do not consider the proposal would have an overly contemporary appearance, and the building would largely retain it's simple, agricultural form.
9. 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, albeit with an improved appearance compared to the existing position due to the external treatment proposed.
10. The Council has further referenced the greater degree of permanence that would result from the proposal. This is not however a matter for consideration under Class Q of the GPDO. The Council acknowledges the building exists lawfully and has been in use for agricultural purposes. As such, it benefits from the Permitted Development right set out under Class Q which grants permission for agricultural buildings to be converted to dwellinghouse subject to prior approval matters.

11. I therefore conclude that the proposal would be acceptable with regard to its design and external appearance and so, insofar as they are material considerations, would accord with Policy DC 1 of the Staffordshire Moorlands Local Plan and Section 12 of the Framework, which require, amongst other matters, for development to be designed to respect the site and its surroundings.

Other Matters

12. Reference has been made to other appeal decisions, as well as approvals by the Council. Although some information on these decisions has been provided, it appears that these schemes have different contexts and the circumstances do not appear to be the same as the appeal proposal. It is common ground between the main parties that each case should be determined on its own merits, and I have considered this appeal accordingly, based on the evidence before me.

Conditions

13. Any change of use granted under Article 3(1) and Schedule 2, Part 3, Class Q(a) and Q(b) of the GPDO is subject to the condition Q.2(3) which specifies that the development shall be completed within a period of 3 years starting with the prior approval date. I shall impose a condition specifying the approved plans in the interests of certainty.
14. The Council has suggested two conditions relating to contamination. Given the existing use of the building for agriculture and the proposed residential use which could give rise to potential risks to human health, I consider these conditions to be reasonable and necessary. I also consider it reasonable and necessary for a condition to limit the hours of construction related activities. For the sake of clarity and enforceability, I have amended the wording of some of the suggested conditions as appropriate. In relation to the latter condition, I have amended the condition to be more specific to construction activities. I do not consider it necessary to encompass landscaping activities within this condition given the limited external area within the appeal site or refurbishment which does not form part of the change of use before me.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Scale 1: 2500), Block Plan (dwg no: BLF5-02 rev A), Plan and Front Elevation as Existing (dwg no: BLF5-03), Elevations and Section as Existing (dwg no: BLF5-04), Plans as Proposed (dwg no: BLF5-05 rev C) and Elevations and Section as Proposed (dwg no: BLF5-06 rev C).
- 2) Construction works shall take place only between 08:00-18:00 (Monday to Friday) and 08:00-13:00 (Saturday) and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 3) Prior to bringing the development into first use, all soils that are intended to be used for the proposed garden/soft landscaping areas should be tested for contamination and assessed for their suitability for the proposed use. Prior to sampling, a suitable methodology for testing the soil should be submitted to and agreed in writing by the Local Planning Authority and should include the sampling frequency, testing schedules, and criteria against which the analytical results will be assessed. The results of the soil tests should be submitted and approved in writing by the Local Planning Authority. If soil results indicates that potential risks exist, the development shall not be brought into first use until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared and subject to the approval in writing by the Local Planning Authority.
- 4) In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. No further development shall be taken until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, no further development shall be undertaken until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been prepared, and is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

End of Conditions