

DELEGATED DECISION REPORT

DET/2024/0048
Valid 08/11/2024

BIG SHAFFALONG FARM
SHAFFALONG LANE
CHEDDLETON

**APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A PROPOSED
CHANGE OF USE OF AN
AGRICULTURAL BUILDING TO
TWO DWELLINGHOUSES
(USE CLASS C3) AND
ASSOCIATED OPERATIONAL
DEVELOPMENT.**

**(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 lies in the open countryside about half a kilometre to the east of the large village of Cheddleton and is also in the Green Belt. It comprises a large modern blockwork and corrugated metal sheeted farm storage building with large openings and has a rectangular footprint of 25 x 34 metres. It is part of a farm, Big Shaffalong Farm which lies to both the north and south sides of Shaffalong Lane, a narrow and bendy lane which leads upwards from the village to the farm and then continues westwards. The site is a short distance to the north of the lane and there is an access which farm track leading down the side of the site and northwards to another farm with farm buildings, Little Shaffalong Farm. The access is also a Public Right of Way for a short distance before the PROW becomes a footpath running northwards through fields. There is another public footpath from the road heading through fields towards the south, a short distance to the west of Big Shaffalong farmhouse (on the south side of the lane). The two farms are surrounded by open land and fields and

seem to be on a plateau or ridge with land sloping downwards from the farms towards both the west and east.

PROPOSAL

The application is an “Application for the Determination of Prior Approval” under Part 3 Class Q of the GPDO (which allows the conversion of agricultural buildings into dwellings) for the conversion of the barn into two semi-detached single storey dwellings, sat side-by-side, one with 230sqm of floorspace and the other with 225sq.m and both of which would have four bedrooms each. This is a resubmitted “Class Q” application following the refusal of one in Feb 2023 (ref: DET/2022/0027) which proposed the conversion of the barn into five dwellings, four with two bedrooms and the other with three bedrooms. This scheme was refused on the grounds of poor design and appearance and also highway safety, due to concerns raised by the local highways authority regarding increased traffic on an unsuitable road up to the site. The previous scheme sought the conversion of the whole building for this purpose whilst the new proposal removes a large part of the north-west and south-east side elevations. The width of the building is significantly reduced but the height, roof profile and depth remain of the same.

The application is accompanied by a Structural Survey Report, a Planning Statement which gives further details of the case and also a Transport/Highways Statement (carried out in Nov 2023).

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

National Planning Policy Framework – Revised Dec 2024.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

DET 2022 0027: Previous Class Q application for five units refused in Feb 2023.

CONSULTATIONS

Publicity

Site Notice expiry date: 3.1.25
Neighbour consultation period ends: 3.1.25
Press Advert: N/A

Public Comments

Two local residents have objected on the grounds of highway safety, traffic, lack of affordable housing and inadequate facilities in the local area.

Town/Parish Council Comments

Cheddleton Parish Council comment previous application was refused for 5 dwellings which seemed excessive. We previously objected to this as it is within the greenbelt and lack of sewage facilities and poor access. No highways report and

officers best placed to determine.

Local Highways Authority

Recommendation of approval is finely balanced and is made solely due to reduction in number of units and alternative vehicular and pedestrian routes being available.

Environmental Health Section

No objection 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 each unit from the adjoining units, in accordance with details to be submitted to the Council for approval.

Staffordshire Wildlife Trust

the applicant should be advised that protected species legislation should be adhered to and bat and nesting bird surveys and precautions would be required.

Severn Trent Water

No objection and no drainage condition required.

SMDC Waste Collection Service

No issues regarding waste collections.

SCC Public Rights of Way

The Definitive Map of Public Rights of Way for Staffordshire shows a public right of way crossing the application site. From the information submitted, it does not appear it will be directly impacted by the proposed development.

Peak & Northern Footpaths

We note that the PROWs Cheddleton 1R & 22 are very close to or within the proposed site. Whilst the application recognises the PROWs, we could not find any indication that the PROWs might be affected. Use of the PROWs, and the safety of users must not be affected by the development, nor during the work taking place.

Ramblers Association

Cheddleton P.R.O.W 1R/1987 runs down the side of the proposed site. All care must be taken to keep this path open during and after the development has taken place.

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.

The legislation under Part 3 Class Q has changed since the previous application was submitted (in 2022) which a new version of the legislation published in May 2024. Such changes include that any dwelling created under Class Q shall not exceed a floorspace of 150 sq.m (Class Q1(c)). Whereas the previous application met the tests in Class Q.1 as set out in the legislation at the time, this new amended scheme therefore fails to pass Class Q.1. The proposal is therefore not deemed to be permitted development under the GPDO and therefore a full planning application is required for the revised proposal.

As the proposal does not meet the criteria for a barn conversion under permitted development, as set out in Class Q.1, the tests as set out in Class Q.2, where matters such as highway impacts, design and appearance, noise and flooding are determined, are irrelevant. However, if the proposal had passed Q.1, I consider that the design and appearance of the development, would still remain unacceptable and would not overcome the reason for refusing the previous application for five units. This is despite the significant reduction in the scale of the building. The poor quality and functional but oblique form and shape remain and the proposed changes do not significantly improve the overall appearance of the building. It would still appear out of keeping with the area, alien to it and also harming its character and appearance.

The highways reason for the refusal of the previous application appears to be overcome as the reduction in the number of units would result in a decrease in vehicle movements on an unsuitable rural lane, in relation to the previous scheme, albeit it would still be predicted to result in an increase in vehicle movements in relation to the continued agricultural use of the barn although the number of large vehicles using the lane would be reduced.

CONCLUSION / PLANNING BALANCE

The proposal cannot be determined under Class Q as it fails one of the tests of Class Q1 in that the size of each unit would exceed 150 sq.m of floorspace. The application should therefore be refused as it cannot be undertaken under permitted development in accordance with Part 3 Class Q of the GPDO and therefore a full planning application is required instead.

Notwithstanding this the design is also still considered to be unacceptable and a further reason for refusal is given.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Chris Johnston
Recommendation Date: 3.1.25

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council