

DELEGATED DECISION REPORT

DET/2025/0021
Valid 20/05/2025

BRADLEY HALL FARM
BRADLEY LANE
BRADLEY IN THE MOORS
ALTON

**APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR THE CHANGE
OF USE OF AGRICULTURAL
BUILDING TO FORM 1NO.
DWELLINGHOUSE AND
ASSOCIATED BUILDING
OPERATIONS (CLASS Q
PERMITTED DEVELOPMENT)**

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

MAIN ISSUES

- Compliance with GPDO(2015) Schedule 2, Part 3, Class Q
- (a) transport 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 (dwelling houses) of the Schedule to the Use Classes Order;
- (f) the design or external appearance of the building;
- (g) the provision of adequate natural light in all habitable rooms of the dwelling house;
- provisions of Part 3 paragraph W (prior approval) including "assessments of impacts or risks".

DESCRIPTION OF SITE

1. The proposal building is within the farm yard and stands c.30m to the rear and one side of the large traditional farm house. The main farm access leads directly to the building and an adjacent group of farm yard buildings. These are a mixture of typical mid to late 20th C farm sheds and some older stone buildings. The latter are recorded as a post-medieval to Victorian building in the Staffordshire Heritage Environment inventory.

2. Un-related dwellings, Yew Tree and Rose cottage stand as a pair of semis some 40m to the north and west of the application building. There is little or no intervisibility due to a strong encircling band of trees and tall hedge shrubs.

3. The building is open walled in its easterly and southerly elevations and has blockwork lower walls to a height of c.1.5m to c.2.0m in the northerly and westerly elevations with gap-spaced vertical boarding above to the eaves and verges. The roof comprises single sheet corrugated fibre board with rooflights. The floor is finished in concrete to the first bay and with exposed earth / hardcore to the rear two bays.

PROPOSAL

4. The agent sets out in an accompanying Planning Statement that:

The application is submitted pursuant to the transitional arrangements set out in Article 10 of the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024, which allows for the application to be considered under the previous provisions of Class Q, provided that the submission has been lodged before the 21st May 2025.

5. The proposal is to convert a detached c.9m x 14m portal frame style building of eaves height c.4m and ridge height c.5m to a dwelling with two first floor bedrooms plus a third ground floor room labelled as a bedroom (with ensuite).

6. As part of the scheme a section of an adjacent portal frame building is to be demolished. At present the separation from this building is less than a metre but this would be increased to c.7.5m.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS10 Other Rural Areas Area Strategy
DC1 Design Considerations
DC2 The Historic Environment
DC3 Landscape and Settlement Setting
H1 New Housing Development
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework (Dec 2024)

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 5 – Delivering a sufficient supply of homes; 6 – Building a strong and competitive economy; 8 – Promoting healthy and safe communities; 9 – Promoting sustainable transport; 11 – Making effective use of land; 12 – Achieving well designed places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG

- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2023/0456 – Erection of agricultural building for beef rearing and associated works – approved – not implemented

CONSULTATIONS

Publicity

Site Notice expiry date: 13.06.2025
 Neighbour consultation period ends: 10.06.2025
 Press Advert: N/A

Public Comments

None

Town / Parish Comments

Alton Parish Council

- 1. The building at Bradley Hall Farm has only 2 infilled sides, not 3 as stated in the Planning Statement submitted – the Existing Plans and Elevations drawing clearly shows this;
- The SW elevation (incorrectly shown on the drawing as the NE elevation) is open sided and is only ‘closed off’ by the infill blockwork of the adjoining barn (which it is stated will be demolished).
- 2. The Hibbitt vs Secretary of State (2016) case referred to in para 2.6 in the Planning Statement, says that the ‘Hibbitt’ barn was open on 4 sides, whereas when the Court Transcript of the case is referenced, it records that the ‘Hibbitt’ barn was open to 3 sides.
- 3. The Court Transcript states ‘it is not the intention of the permitted development right to include the construction of new structural elements for the building’. There is a clear similarity between the agricultural building at Bradley Hall Farm and the ‘Hibbitt’ barn (ie steel framed, semi-open sided); a significant element of rebuilding (of exterior walls) rather than conversion would be required to the applicant’s building, thus the applicant’s claim to Class Q permitted development should be refused.
- 4. The proposals indicate that zinc cladding will replace the roof and wooden cladding, (para 3.10, ‘timber cladding replaced with zinc cladding... the resultant building will retain its agrarian form...’). Zinc cladding fails to reflect the character of the area, ignoring the SMDC local plan guidelines, ie:

- a. policy DC3 para 1: 'resisting development which would lead to prominent intrusion into the countryside, or have a significant adverse impact on the character or the setting of a settlement...', and
- b. policy SS10 para 3: 'by giving priority to the need to protect the quality and character of the area and requiring all development proposals to respect and respond sensitively to the distinctive qualities of the surrounding landscape'.
- The structural survey report under the section 'Discussion and Conclusions', para 6 refers to these guidelines, but there is no mention of this in para 2.7 of the Planning Statement. It is also to be noted that SMDC rejected application SMD/2021/0673, Jays Barn (located within 100m of the building under consideration) partially on the basis of it proposing to use metal cladding.

Environmental Health

7. Conditions are recommended but proximity to farm yard and farm buildings is not addressed and no objections are raised. Potential areas of concern and EH recommended response in each case are listed as: construction impacts (condition); land contamination (condition); lighting impacts (condition); drainage (covered through Building Regulation standards); asbestos (attach advice).

Staffordshire County Council Highways

8. Bradley Lane is an unclassified rural road (D1364) with a speed limit of 60 mph. There are no footways or street lighting along this section of Bradley Lane.

9. Access to the proposed dwelling is existing and provides access to and will be shared with Bradley Hall Farm. The access scales from the plan at approximately 5.7m wide, this is sufficient to allow 2 vehicles to pass unhindered. It was noted at the site visit that the access surface is loose, and material/stone/grit is being brought onto the highway, this can cause a danger to road users and should be prevented.

10. Staffordshire Moorlands Parking Standards state: Detached/Semi-detached property of up to 3 bedrooms will require 2 spaces (2.4 x 4.8m each space) for residents and visitors. Mentioned in the Planning Statement 2 parking spaces are proposed within the amenity area. The submitted plans show an area where parking could take place, however these are not identified as such on the plan therefore a plan showing 2 parking spaces is required.

11. No objection to the proposal (application number DET/2025/0021) subject to the following conditions: Notwithstanding any details shown on the approved plans no development shall be commenced until revised details indicating the following have been submitted to and approved in writing by the Local Planning Authority:

- a revised plan showing 2no.car parking spaces whereby a parking space consists of a minimum width of 2.4m and a minimum length of 4.8m per car. The parking shall thereafter be carried out in accordance with the approved details and be completed prior to first use and shall thereafter be retained as such for the lifetime of the development;
- the development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound material for a minimum distance of 5m back from the carriageway edge.

OFFICER COMMENTS

Principle of Development

12. SI 2024 No. 579 came into force on the 21st May 2024 and amends the Class Q procedure of the GPDO (2015). Article 10 of the new provisions however provides transitional arrangements whereby an application can continue to be made under the previous terms of Class Q up “until the end of the 20th May 2025” [Article 10 (2) (a)]. Notification of the application was received from the Planning Portal at 19:41 on the 19th May 2025. Payment is recorded as having been made to the Portal at 19:37 on the same day and was received in a transfer to the Council on the 20th May 2025. From this it is concluded the application has been made within the terms of the transitional arrangements and can be determined against the pre 21st May 2024 criteria.

13. Subject to a series of detailed criteria set out under Part 3 of Schedule 2 to the General Permitted Development Order (2015) Class Q (pre 21.05.2024) provides for the Change of Use of ‘agricultural buildings to dwellinghouses’. Q.(a) provides for “a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses)”. Q.(b) provides for “building operations reasonably necessary to convert the building”.

Current planning use status

14. The ‘site’ is required to have been “used solely for an agricultural use as part of an established agricultural unit—

- (i) on 20th March 2013, or
- (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
- (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;”

15. From publicly available air photos the building is seen to have been present at least since 2003 and continues to be clearly seen at subsequent photo intervals including at 4th June 2013. Whilst its ‘use’ cannot be conclusively determined from the air photos, according to the agent’s statement (2.13), *“The site was in agricultural use as part of an established agricultural [unit] as of 20th March 2013, and remains lawfully in agricultural use. It has not been used for any alternative purpose, and consequently the proposal is in accordance with the requirements of criterion Q.1(a) of the Order.”* The LPA can consider this the most probable planning status and has no overriding reason to conclude otherwise. It was noted at the site visit that two trailers standing in the shed both contained a collection of heavy duty steel structural supports but this appeared likely to be incidental.

16. Agricultural building is specifically defined at paragraph X to part 3 as one “used for agriculture and which is so used for the purposes of a trade or business”. No

particular substantiating evidence has been provided to show that this is the case currently with this building but again it appears 'probable'.

Basis for the determination

17. The local planning authority may refuse an application where, in the opinion of the authority—

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

18. The local planning authority must, when determining an application—

- (a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) [highways] or (6) [flooding] and any notice given under sub-paragraph (8) [public consultation];
- (b) have regard to the NPPF(2024) so far as relevant to the subject matter of the prior approval, as if the application were a planning application;

19. Condition Q.2 which imposes the need for the prior approval submission requires the LPA to consider specifically the following:

- (a) transport 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 (dwelling houses) of the Schedule to the Use Classes Order;
- (f) the design or external appearance of the building;
- (g) the provision of adequate natural light in all habitable rooms of the dwelling house; [NB para W(2A) from 2020 says that the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.]

Capacity for conversion

20. In order to qualify as an eligible building for conversion under Class Q one of the fundamental requirements is that the building must be 'capable of conversion' without necessitating re-building. The structural assessment accompanying the application includes in its conclusions the following: "We are of the opinion that the structure as currently present is adequate for conversion into residential accommodation without wholesale demolition or alterations to the external elevations"; an insulated ground floor slab will be required; internal support will be required for the proposed new First Floor structure; a threshold will be needed at each external door position; "The existing steel frames to the main barn structure appear

adequate to support potential further loading in the form of an insulated ceiling, and we would be able to provide proving calculations for these roof timbers once finalised drawings have been prepared, should these be required for either the Planning process or for Building Control's records. The frames themselves appear to be in good condition and free from any signs of distortion or corrosion.

21. The need to provide walls from scratch to one long-side and one end elevation and to replace the limited and partly damaged block work walling to the other two elevations raises the issue of whether in fact the proposal amounts to a re-build rather than strictly a conversion.

22. The PPG refers readers to the Hibbitt case (2016) heard by Mr Justice Green in the High Court and addressing to what extent re-building might be allowed for by Class Q. He noted that the concept of "conversion" was contained in the overarching provisions of Class Q and therefore: "introduces a discrete threshold issue such that if a development does not amount to a "conversion" then it fails at the first hurdle". The later provisions of Q.1 that allow "building operations" that may be "reasonably necessary" are subordinate to the primary threshold which is one of "conversion" [para.26 in the judgement].

23. The case followed a dismissed appeal in which the building had been held out as being structurally sufficient to take the 'loading' of the of new walls (as here) and the Inspector had found no evidence to counter this and had been provided with structural calculations but found nonetheless the necessary building work in other respects to go well beyond conversion.

24. Mr Justice Green considered the matter as to what was conversion or re-build to be one of "legitimate planning judgment as to where the line is drawn". He coined the term 'fresh-build' to represent a situation where the structural frame would remain but the walls would in effect be built afresh commenting, *"In fact a more apt term than "rebuild", which also encapsulates what the Inspector had in mind, might be "fresh build" since rebuild seems to assume that the existing building is being "re" built in some way. In any event the nub of the point being made by the Inspector, in my view correctly, was that the works went a very long way beyond what might sensibly or reasonably be described as a conversion. The development was in all practical terms starting afresh, with only a modest amount of help from the original agricultural building."*

25. Paragraph 105 of the Planning Practice Guidance (PPG) states that: "it is not the intention of the permitted development right [under Class Q] to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.

26. The PPG at 105 says that: "The right [under Class Q] permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the

extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations.” It is a matter of judgement for the decision maker as to whether the works outlined in this proposal accord with or exceed the permitted amount. It is the officer view in this case that the works here are very much akin to what the judge in Hibbitt found amounted “in all practical terms [to] starting afresh, with only a modest amount of help from the original agricultural building” and therefore the proposal should not be supported under Class Q – indeed is not supported by the parameters which have been laid down for decisions to follow.

Conclusion to the ‘principle’ of the development

27. It is concluded that the proposed building works significantly exceed ‘conversion’ within the meaning of Class Q and are therefore not permitted as defined at Q (c) and the proposal should be refused in accordance with W(3) (a) – the proposed development does not comply with, limitations or restrictions specified in this Part as being applicable to the development in question.

Class Q Conditions – Q.2 issues (a) to (g)

28. Development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items (a) to (g) as set out under main issues at the head of this report.

- (a) Transport and highways – based on the consultation response of the County Highways Officer no fundamental issues arise. A condition could be attached along the lines requested as noted at (11.) above.
- (b) Noise impacts – the development would not be expected to give rise to noise impacts, such as may affect neighbouring dwellings for example except potentially during construction and the EH recommended condition could be attached to satisfactorily control this.
- (c) Contamination risks – from the LPA site visit this is judged unlikely to arise meaning that notwithstanding the EH comments, no condition is necessary.
- (d) Flooding risks – none likely as the site is in flood zone 1.
- (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 – see under Amenity below.
- (f) The design or external appearance of the building – see under Design below.
- (g) The provision of adequate natural light in all habitable rooms of the dwelling – from an examination of the proposed room layout and window openings as shown in Drawing 1939-AL 01 B the LPA can be satisfied that adequate light would be available to all habitable rooms.

Amenity

29. Concern arises with regard to the potential for living conditions to be adversely impacted from adjacent farm yard activity. Following demolition of the single building bay closest to the dwelling, the adjacent building would be 34m x 20.5m (c.700m²) and would stand at a separation distance of c.7.5m. A building of this size could readily accommodate some 100 head of cattle. The combined effects of noise, odour and associated farm / stock management activity to service the use of the building at this close proximity leads to a conclusion that the location of the dwelling would be unsuitably close. At this very close proximity even a non-livestock storage use eg for fodder and /or equipment would have the potential and indeed likelihood of causing unacceptable levels of disturbance to residential occupiers.

30. The agent comments at 3.6 in the planning statement that: "There are furthermore no uses within the immediate surrounding area that would present a risk of noise disturbance to future occupiers of the dwelling, with the adjacent agricultural buildings being vacant." The LPA meanwhile must recognise that the buildings 'being vacant' does not preclude them from being brought into active use at any time. It should also be noted that nothing in the application submission suggests that the building is to be occupied in connection with the management of the farm, for example by an employee / farm worker. It is not proposed as a 'tied' dwelling and could be offered for sale or to let on the open market. The potential for unacceptable levels of disturbance to future occupiers therefore remains.

Design

31. The plans show concrete block work from ground level to c.1.6m on all sides with "vertically seamed zinc" above and to the roof. No details as to the likely colour or potential shine are given but zinc is likely to appear somewhat bright. Over time it can be expected that the silver-grey finish would 'weather' and potentially mellow. It may in time become not dissimilar to the grey of the current block work and roof. It can also be noted that the building is not conspicuously located being set back some 40m from the public road front and being partially concealed by intervening trees it would not have an overly prominent presence.

CONCLUSION / PLANNING BALANCE

32. As noted at paragraph 27 (above), the proposal is found not to comply with the terms of the permitted development as set under Class Q and should be refused for that reason ie. the building as it stands is not capable of conversion into use as a dwelling but instead would require a significant amount of fresh building work.

33. Even if the building were to meet the baseline requirements of the permitted development category as defined in the GPDO (2015) it is concluded that the proximity of the building to an existing functional farm yard and existing associated farm buildings makes it otherwise impractical or undesirable for the building to change from agricultural use to use as a dwelling.

OFFICER RECOMMENDATION : Refuse

Case Officer: Arne Swithenbank

Recommendation Date: 15th July 2025

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council