

DELEGATED DECISION REPORT

DET/2025/0025
Valid 09/06/2025

HILLCREST
BLACK LANE
WINNOTHDALE

**APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A PROPOSED
BARN CONVERSION TO
DWELLING WITH ITS OWN
ENTRANCE ALREADY IN
PLACE**

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

MAIN ISSUES

- Compliance with the requirements of Class Q under Part 3 of Schedule 2 to the GPDO(2025)
- (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;

DESCRIPTION OF SITE

1. As is typical of Winnothdale the location is quiet and secluded. The applicant's dwelling is on the opposite (south west) side of the road in a generous plot. This is one of a loose scatter of some four to five similar dwellings in or around the triangle formed by the junction of Black Lane and Renwick Lane. The application land dips from the road and the site of the proposal building is set down behind a bank and dense Laurel hedge. The building stands on an obviously previously levelled area slightly cut-in to the slope below the road. Much of the levelled area appears to have been surfaced in hard core but has to varying degrees been allowed to re-colonise with short herb vegetation (grass and other plant species). A dividing fence separates this area from the remainder of the applicant's land. There is a green house, a linear fenced pen with raised planting beds and some amount of incidental and apparently temporary storage. Beyond the fence the land rises gently to a further boundary fence

some 100m to the north east. In total the application land as defined by red edge on the 'Site Plan – Existing' drawing extends to 1ha (2.471 acres).

2. No as-existing elevation drawings have been submitted. However the application building when examined in situ and by reference to publicly available air photos is found (but for two later lean-to extensions) to correspond with drawings submitted with and approved under application reference 04/01017/FUL [SMD/2004/1359]. See fig. 1 below.

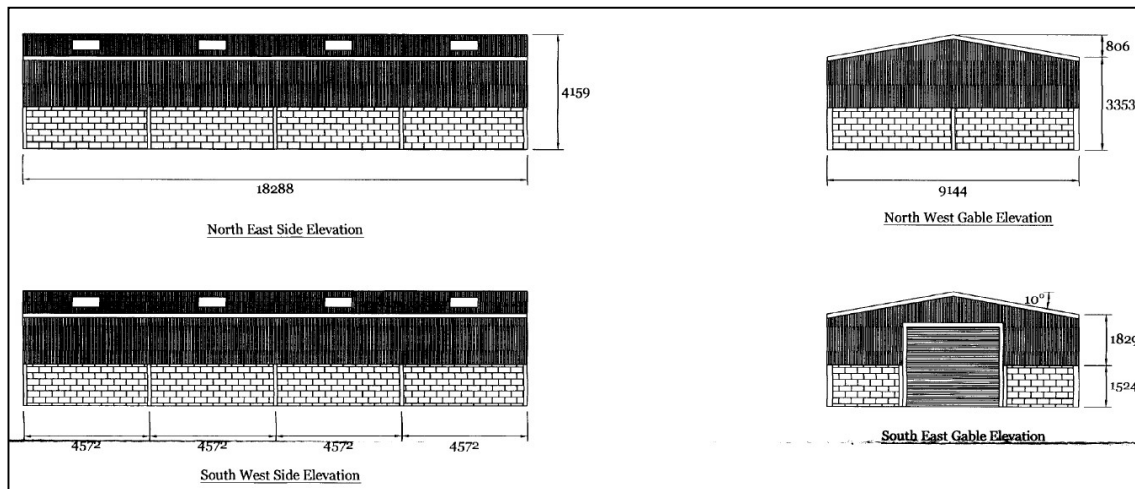


Fig. 1

3. The original 2004 application building is 18.3m x 9.1m (166.5m²). The site area of the building was stated in the 2004 application as being 167m². The eaves height is 3.4m and the ridge is 4.2 metres. The roof has a dual pitch with 10 degree slope to each long side edge. There is a roller shutter door in the south east gable and (not shown on the 2004 drawings) there is a personnel door to the left side edge of the gable. See fig. 2 below.



Fig. 2 – building as existing 11th July 2025 (LPA photo)

4. There is a timber framed lean-to across the full width of the north west gable which is walled to its long side (c.9m) but fully open to each end elevation. A further make-shift timber framed lean-to occupies part of the main building's north east long-side elevation and is in use as a log store.

5. Access to the site is through an existing wide gateway from Black Lane. As noted, much of the immediate surround to the building is surfaced in rolled hardcore. There is a concrete 'apron' to the south east gable.

PROPOSAL

6. There is no accompanying planning statement. The application form has been completed by Mrs Anita Punchard of AP Planning and Design c/o Cronkstone Grange, Hurdlow, Derbyshire. It is stated in the form that:

- (i) the application is made under the new Class Q provisions as amended 21st May 2024;
- (ii) the site is not currently part of an established agricultural unit and was not part of one at 24th July 2023;
- (iii) the site has not been used for any non-agricultural purpose since ceasing to be part of the agricultural unit;
- (iv) there has been no work under the permitted development rights for the erection, extension or alteration of a building reasonably necessary for the purposes of agriculture carried out on the agricultural unit during the 10 year period 'before development begins';
- (v) The following question on the form is answered 'No':
Will the external dimensions of the resulting building(s) extend beyond the existing building(s) at any point, other than:
 - as a result of any permitted extension to the building under this permitted development right; or
 - by more than 0.2 metres as a result of any permitted building work or other operations under this permitted development right.
- (vi) It is stated that no extension [under Q. (b)] is proposed;
- (vii) It is stated that the building is capable of complying with the NDSS.
- (viii) The cumulative floor space which would be changed to dwelling house is stated as 143m².

7. To be eligible for this permitted development right, the number and size of dwellinghouses developed has to be within the limits set by legislation – up to 10, in which the floorspace of any single dwellinghouse must not exceed 150 square metres; and the cumulative floor space of all the dwellinghouses developed must not exceed 1,000 square metres.

8. The following plans have been submitted:

- (i) Floor plan 2025-06-09T at 1:100 scale
- (ii) Site plan as existing TQRQM25160135418177 at 1:1250 scale
- (iii) Site plan as proposed TQRQM25160135418177 at 1:1250 scale – same as above but with an area blocked out in solid red apparently to demarcate the

proposed building. This is not annotated but scales as being 22m x 8.8m which equates to c.194m² in area.

- (iv) Elevations 1 to 4 and a roof plan, submitted initially as jpeg files, and later as pdf files.

9. There is no scale nor any other written information of any kind on any of these illustrations of the proposed elevations except that in the case of the roof plan the roof slope appears to be marked as 40% which would equate to a roof angle of c.22 degrees. There are no details of the proposed external material finishes. In the section headed 'Description of Proposed Works, Impacts and Risks' the agent acknowledges in the application form that 'associated building works' will be required. In response to a following related question on the form which asks, "If yes, please provide details of the design and external appearance of the building(s) in regard to these building works or other operations", the agent has simply stated: "Replacement skylights and additional of extra windows and doors". No other details are given for example in relation to the installation or replacement of water, drainage, electricity, gas or other services; nor in relation to any partial demolition to the extent reasonably necessary to carry out the works listed above despite these being itemised as requested details on the form.

10. The elevation illustrations appear not to use any commonly recognised scale. However, using the stated 8.8m external gable width of the building shown on the submitted floor plan drawing as a reference scale, and making direct measurements on screen it appears to the LPA that the proposed eaves height would be c.3.5m and the proposed ridge height c.5m. This however is rough and ready and not necessarily fully reliable. Particular confusion arises given that the floor plan drawing shows a ground area measuring 16.14m x 8.8m = 142m² whereas the building to be converted is known to be 166.5m² and the submitted proposed site block plan shows a building 22m x 8.8m = 194m².

Insufficient fee paid

11. The planning fee paid by the agent is £240 whereas the correct required fee is £516 as the proposal includes building operations. Under the relevant GPDO(2015) procedure section W.(2) it is stated: "The application must be accompanied by... [items (a) to (e) as listed] together with any fee required to be paid". The LPA notified the agent of the fee shortfall by e-mail on the 25th July and communicated by text about the matter in the week following but at the time of writing no additional payment to make up the correct fee has been received.

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

04/01017/FUL [[SMD/2004/1359] – Agricultural building – approved

CONSULTATIONS

Publicity

Site Notice expiry date: 01.08.2025
Neighbour consultation period ends: N/A
Press Advert: N/A

Public Comments

None

Town / Parish Comments

None received

Environmental Health

No objections subject to the following three conditions to address (1) construction impacts; (2) land contamination and (3) lighting impacts. Advice notes are suggested to address drainage and asbestos.

Staffordshire County Council Highways

No objections – recommend conditional acceptance.

OFFICER COMMENTS

Principle of Development

Primary requirements

12. Class Q provides for the change of use of “buildings on agricultural units and former agricultural buildings to dwelling houses”. The application building in this case is put forward as a ‘former agricultural building’.

13. Paragraph X, headed ‘Interpretation of Part 3’ (Changes of Use) provides the following definitions:

“agricultural building” means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and “agricultural use” refers to such uses;

“established agricultural unit” means agricultural land occupied as a unit for the purposes of agriculture

(b) for the purposes of Class Q or S, on or before 20th March 2013 or for 10 years before the date the development begins;

14. The LPA can accept that the site’s planning status is ‘agricultural’ in planning land use terms. The building to be converted was built with the benefit of planning permission dated 6th October 2004 as an ‘agricultural building’. The LPA cannot accept with any confidence, and certainly no information has been provided to show, that the building was so used “for the purposes of a trade or business”. The current applicant was the owner and applicant in 2004. On the information provided, the use of the land and application building for agriculture, appears likely to have been for the purposes of hobby farming at most rather than for a formal trade or business.

15. At the heart of the permitted development under Class Q is that the proposal where it involves ‘building operations’ must be one of ‘conversion’ (see Q(c)). The permitted development right does not provide for a replacement building to be created. Due to various confusions in the submitted drawings there is insufficient information to fully judge but it appears that the proposal building is so different from the application building that this scheme is not one of conversion but represents an entirely new building.

Procedure and information requirements

16. As amended by SI (2024) No.579, subject to a series of detailed criteria set out under Part 3 of Schedule 2 to the General Permitted Development Order (2015), Class

Q (a) permits the change of use of buildings on agricultural units and former agricultural buildings to dwellinghouses. Also permitted at Class Q (b) are the extension of the building (within certain defined limits) and building operations reasonably necessary to convert the building. Permitted at Class Q (c) is “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”. In this case the application states that there are no proposals to ‘extend’ the building.

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. See W.3 of Part 3.

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(2021) so far as relevant to the subject matter of the prior approval, as if the application were a planning application;

19. However, it is to be noted that where an application is refused under W(3) paragraph W(4) provides that “Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.”

Design or external appearance

20. In the case as submitted here the LPA finds critical details lacking. The agent describes the development as involving “Replacement skylights and additional of extra windows and doors” without making reference to any other alterations. However the building proposed does not match the existing building in plan area; or cross section; or material finishes and yet the detail and explanation of how this is arrived at is not provided. Due to the confusions in the plans and lack of essential details such as scale and material finishes it is impossible for the LPA to make any proper judgement as to the “design or external appearance of the building” as is required in response to paragraph Q.2 (1) (f).

Floor area and excess size

21. There is a maximum floor area permitted of 150m². The site plan area of the existing building as originally built is 166m² but the submitted ‘Site plan proposed’ indicates a proposed building of 194m² and is shown as being narrower and longer than the exiting original building. Meanwhile the floor plan 2025-06-09T13:44 indicates a building of 142m². Given these various mismatches and the absence of any scale dimensions in the submitted elevations the LPA finds there is insufficient

information to enable it to establish whether the proposal is truly a conversion and not a replacement fresh build or whether it would comply with the maximum floor area limit of 150m² stated at Part 3 paragraph Q.1 (c) as an upper limit beyond which 'development [is] not permitted'.

22. Notwithstanding the absence of scale or any stated dimensions in the submitted elevation illustrations 1 to 4 the LPA notes the roof pitch to be steeper than in the current building and based on the floor plan width of 8.8m shown in drawing 2025-06-09T13:44 concludes that the ridge height would be c.5.0m which is some 0.8m taller than the original approved building height of 4.2m. There is insufficient information submitted to conclude otherwise and the additional height would be contrary to Part 3 paragraph Q.1 (h) which permits existing dimensions to be exceeded by not more than 20cm in accordance with Q.1 (j) (i) "to the extent reasonably necessary for the building to function as a dwelling". It is not apparent or obvious that the changes are 'reasonably necessary' but in any event the added ridge height appears to exceed the current ridge by some 80cm and would therefore be at least 60cm in excess of the permitted limit.

CONCLUSION / PLANNING BALANCE

23. The application is significantly lacking in required information to (a) show that the proposal meets the requirements of Part 3 Class Q and (b) to enable the LPA to properly assess the implications, in particular with regard to the design or external appearance. Six refusal reasons are recommended: insufficient information as to the proposal building's agricultural use status; insufficient information with regard to the proposed elevation details in terms of scale; insufficient information to enable the LPA to establish whether the proposal is truly a conversion and not a replacement fresh build or whether it would comply with the maximum floor area limit of 150m²; proposed ridge height exceeds existing by 60cm more than the potentially permitted 20cm contrary to Part 3 paragraph Q.1 (h); insufficient information with regard to the proposed elevation details in terms of external material finishes; failure to pay to the LPA the appropriate requisite fee with a shortfall of £276 owing against a total payment due of £516.

OFFICER RECOMMENDATION : Refuse

Case Officer: Arne Swithenbank

Recommendation Date: 04.08.2025

X *J Curley*

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council