

DELEGATED DECISION REPORT

DET/2025/0026
Valid 26/06/2025

ROSE COTTAGE BEAT
LANE
RUSHTON SPENCER

**APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A PROPOSED
BARN CONVERSION TO A
DWELLINGHOUSE AT ROSE
COTTAGE, RUSHTON
SPENCER**

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

MAIN ISSUES

Applicant seeks a determination as to whether the prior approval is required for details relating to the change of use of a building to a dwellinghouse and, if so, if the prior approval of those details, relevant to Class Q, Part 3, Schedule 2 of the GPDO can be granted. As a starting point there must be consideration for whether the development would comply with the limitations and conditions at Class Q and whether the development would be permitted at all.

It must be determined as to whether the prior approval is required in respect of the following:

- 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 building proposed for conversion is a livestock building with a hay/straw loft, constructed in the mid 1980's from a mix of steel frame and solid blockwork with a pitched green box profile sheet roofing and side cladding and timber trusses/purlins. The agricultural building in question benefits from an existing access point which leads to the public highway. The property is within the hamlet of Rushton James, nearby to other residential development and with other barn conversions within the locality. The grid reference of the site is SJ 926618. The building proposed for conversion comprises a solid masonry structure with a mix of livestock boxes and an open loft area used for hay and straw. The building has a solid concrete floor and box profile sheet roofing which is supported on independent timbers spanning between the steel frame.

PROPOSAL

The application is a “Notification of Prior Approval” application for the conversion of the building into a single dwelling (one large 2-bed dwelling). The footprint of the building is approximately 66 square metres. The internal floor area of the converted building would provide approximately 119 m² of floor space it would include use of the hay loft and a ground floor rear extension at the rear that would replace a lean to canopy.

The dwelling would take its access with the highway from the one existing central farmyard access, with the farm yard divided into areas of curtilage and parking. The plans detail a limited amount of repair and rebuilding to restore original elevations.

The buildings are structurally sound and can be converted with only minor external fabric repair. The application includes a protected species survey report from an ecologist:

- ☐ No evidence of bats found and building considered to be of poor potential for bats
- ☐ Swallows nests within the building
- ☐ No evidence of badgers

There is already an extent approval, under class Q, for the building to be converted to a dwellinghouse. This application seeks to take advantage of the April 2024 updates to the order that provides for rear extensions to be added with a conversion.

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
H1 New Housing Development
T1 Development and Sustainable Transport

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

88/01416/OLD All weather riding surface. Approved.

DET/2023/0031 Change of use of building to dwelling. Prior approval granted.

CONSULTATIONS

Publicity

Site Notice expiry date: 12th Aug

Neighbour consultation period ends: 12th Aug

Press Advert: N/A

Public Comments

None

Environmental Health

Noise Impacts - of the development: the proposed development site is inside/adjacent to a working farm. Farms during normal operation can cause significant noise through a range of sources e.g generators, milking equipment, farm machinery and livestock. Farms also operate through the day from early morning to late at night and disturbance to these proposed dwellings through farm noise would be expected especially during unsocial hours. This could cause significant impact to the amenity of the new residents and complaint to the local authority. The operation of the farm could be compromised if complaint is caused.

Odour -There is insufficient information provided to address the potential impacts of odour emissions from the farm operations e.g holding of livestock, storage of manure etc.

Staffordshire County Council Highways

Conditional

Access is existing and in current use by existing dwellings and commercial/agricultural use.

Visibility to the east is initially aided by the alignment of the carriageway. Approximately 2.4m x 120m is available. This is less than would be required for a new access but is adequate for the alignment and nature of the carriageway to the east.

To the west, visibility is slightly restricted immediately adjacent to the access. Visibility splay condition is recommended to provide 2.4m x 215m. In practice this will entail cutting back and maintaining, of a bush and hedge close to the access.

Adequate parking and turning is available within the site.

Conditions:-

1. Before the proposed development is brought into use, details of the available visibility splay of 2.4mx215m to the west shall be first submitted to and approved in writing by the Local Planning Authority. The approved visibility splay shall thereafter be provided in accordance with the approved details and retained and maintained for the life of the development.

2. Before the proposed development is brought into use, parking and turning area shall be provided in accordance with drawing RCB-06. Parking and turning area shall thereafter be retained for the purposes of parking and turning of private vehicles for the life of the development

OFFICER COMMENTS

Under Class Q, Part 3, Sched 2 of the GPDO, the Council determined that a prior approval was required and could be granted for a change of use to this building to a dwellinghouse in Dec 2023 – the development has not commenced or been carried out but they still have until Dec 2026 to complete that approved development.

Class Q was refreshed and updated on 30th April 2024, with the changes taking effect from the 21st May 2024. Any application on or after this date, are subject to the new rules as laid out. Notably the new provisions limit the total provision of floor space to 150 sqm, but permit the change of use of a building that is part of an established agricultural unit to a dwellinghouse *together* with the extension of the building. The applicant wants to take advantage of this change and carry out the change of use with the addition of an extension to the building as permitted by the updated Class Q. An extension would not be permitted by class Q if it has more than one storey, is sited anywhere other than to the rear, extends beyond the rear wall by

more than 4m, has eaves height that exceeds height of the eaves on the existing building, is higher than 4m or the height of original building (whichever is lower), or, is not provided on existing hard surface.

The existing building has a lean to, open canopy that runs across the rear elevation and extends around 2m from the rear, toward the boundary, partially covered by boundary tree canopy. The existing approval would see that canopy removed to provide the dwelling. The proposal with this application would replace that canopy area with an enclosed extension that would provide additional floor space at ground floor. The total floor space provided would be less than 150 sqm at 119 sqm. The extension part would be single storey, extend from rear wall by less than 4m (2.1m), have an eaves height that is less than that of the existing building, be less than 4m in height, and be less than the maximum height of the existing building. The extension replacing existing canopy would be provided on existing hard surface.

This proposal meets all of the criteria/tests under Class Q(1) for applying for a conversion under Class Q of the GPDO. The building is located on a small unit of farm land. It is located adjacent to a horse riding arena that was granted planning permission in the late 1980s, at ground floor the building presents three stable style doors each serving separate animal stalls. Despite having some characteristics that might be shared with an equestrian or stable building, it was determined and accepted in 2023 that the building is part of an established agricultural unit - the applicant has provided a number photographs, a statement, and dated animal transfer documents as evidence to demonstrate that, at that time, the land was used solely for an agricultural use as part of an established agricultural unit. There is no reason to find differently under the assessment of this current application.

The building appears to overall be in reasonable substantial condition lending itself to a conversion (a structural survey has been submitted with the application). Necessary work would amount to the alteration of window and door openings. It can be converted into residential use by utilising the existing structure as far as practicable. Blockwork will be clad or rendered and the roof surface will be replaced and insulated internally to meet current building regulation standards. The existing roof structure and timbers will be re-used.

The application must therefore be determined against the planning considerations listed under Class Q(2) also listed in the “Main Issues” section of the report:

(a)transport and highways impacts of the development,

With regard to the transport and highways impacts of the development, the proposal would not lead any traffic or highway safety problems. The dwellings would be provided with standard compliant parking within the yard. The existing access would be shared and with some improvement to the west have adequate visibility splays.

(b)noise impacts of the development,

Noise impacts are not anticipated to be any greater than those might be associated with and reasonably expected where a building was last in agricultural use on a working farmstead.

(c)contamination risks on the site

With regard to the contamination risks on the site, Environmental Health, in the consultation response, do not raise concerns about the risk of onsite contamination to human health.

(d)flooding risks on the site.

With regard to flooding risks on the site, the site is not in a flood plain and does not appear to be affected by any localised flooding.

(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

With regard to 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 only such issue is the impact of the scheme on the ecological value of the site. The application includes a bat survey that concludes that there is no evidence that bats are using the building and that it provides few opportunities where bats could roost, and its potential is considered negligible.

One active swallows' nest was found within the building, one active robins' nest was found within the metal shed to the east of the building, and two disused nests were found under the roof overhang to the east of the building. Due to the open nature of the building, including the roof overhangs to the west and east, it has the potential to be used by a range of nesting wild birds. No barn owl pellets were found within or near the buildings. Ideally, conversion works would take place outside of the main bird nesting season, which is generally taken to be March to August inclusive. If this is not possible, a check for active nests should be carried out by a suitably qualified or experienced person immediately (no more than 24 hours) before work commences, including trimming of the tree to the south-west, and the hedgerow to the east. If active nests (including those being built) are found before or during conversion work, damage or destruction should be avoided as this may well cause an offence.

An informative could be attached to any prior approval flagging the developers obligations regarding bats and protected species.

The building is of an adequate size for the conversion into the one dwelling. The amount of floorspace created would exceed the standards in the governments Nationally Described Space Standards. It would not be undesirable to convert the building based on the amount of space created and the impact of this on the living conditions of the eventual occupants.

(f)the design or external appearance of the building

With regard to the design or external appearance of the building, overall, the building would be in keeping with the rural character and appearance of the area.

(g)the provision of adequate natural light in all habitable rooms of the dwellinghouses.

Finally, with regard to light provision, the existing openings to be re-used are of a sufficient size to allow adequate light into all the rooms and therefore the living

conditions of the proposed occupants are not considered to be inadequate as part of the scheme.

The scheme also complies with the other parts of Part 3 of the GPDO (relating to changes of use) and the guidance for Class Q development in that the residential curtilage area (i.e. the areas used for outdoor private garden use and car parking) would not exceed the size of the footprint of the building.

OFFICER RECOMMENDATION : Prior Approval Required and Granted

Case Officer: Ben Hurst

Recommendation Date:

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council