



Supporting Statement

**for Change of Use of an Agricultural Building
to a Dwellinghouse under Class Q
of the General Permitted Development Order**

At

**Rockcliffe Farm,
Main Road
Hollington
Staffordshire Moorlands
ST10 4HS**

**On behalf of
Mr & Mrs Allen**

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1. INTRODUCTION

- 1.1 Bagshaws LLP is an independent firm of Estate Agents, Chartered Surveyors, Auctioneers and Valuers, operating from 6 offices across Staffordshire and Derbyshire.
- 1.2 This application is submitted in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 No. 596, and in accordance with the National Planning Practice Guidance – in particular paragraphs 104 and 105 as updated 15th June 2018.
- 1.3 The Class Q legislation was updated by The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 [SI 2024 No.579] – which came into effect 21st May 2024:

Class Q (a) of the above Order grants permitted development rights for the change of use of

- (i) a building that is part of an established agricultural unit and any land within that building's curtilage, or
- (ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage,

to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order,

and at

(b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or

(c) 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.

- 1.4 Class Q requires that for proposals relating to the change of use of an agricultural building and its curtilage to a dwellinghouse, a determination should be made as to whether the prior approval of the local planning authority will be required regarding:

- transport and highway impacts of the development;
- noise impacts of the development;
- risk of contamination;
- 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 dwellinghouse; or
- the design or external appearance of the building, and
- the provision of adequate natural light in all habitable rooms of the dwellinghouses.

2. THE SITE AND PLANNING HISTORY

Site Description

2.1. The application site comprises a stone-built agricultural building at Rockcliffe Farm, previously used as a milking parlour, with a more recent concrete block building attached to the rear (north side). It is located to the north of Main Road and is accessed via an existing entrance drive to the farm and farmhouse, with a metal gate that is set back approximately 6 metres from the edge of the carriageway. Please see the location of the building for conversion (red) in the aerial image below:



Relevant Planning History

- The only application relevant to this prior notification under permitted development is SMD/2003/0860 which is the large modern agricultural building to the north of the farmhouse:



As this was built more than 10 years ago it does not affect this application for prior approval.

PROPOSED DEVELOPMENT

3.1. The proposal is to convert the agricultural building on the site into a single residential dwelling under Class Q of Permitted Development.

- The footprint of the building proposed for conversion remains unchanged at 170m²
- The single dwellinghouse created will all be single storey
- The total internal floorspace of the dwellinghouse created by the conversion will be 139m² in compliance with the new legislation for Class Q that has to be used for all applications from 21st May 2025 (maximum 150sqm per dwelling).

- 3.2. Please see the accompanying site plan to this application which demonstrates that the proposed curtilage for the dwelling will include a parking area as well as outdoor amenity space that is no larger than the land area occupied by the building that is proposed for conversion, accessed from the existing hard surfaced driveway to the property from the public highway.
- 3.3. The cumulative number of dwelling houses created on the agricultural unit under Class Q would not exceed 10 (only 1 is proposed).
- 3.4. The site is not occupied under an agricultural tenancy and is not affected by any of the constraints set out in criteria (j) to (m) of Paragraph Q.1.
- 3.5. Class Q (b) of the GPDO allows building works reasonably necessary to convert the buildings to residential use. Paragraph 105 of the National Planning Practice Guidance was updated 15th June 2018 (ID 13-105-20180615) and clarifies the extent of building works permitted by Class Q (b). It states:

“The right allows either the change of use (a), or the change of use together with reasonably necessary building operations (b). Building works are allowed under the right permitting agricultural buildings to change to residential use: Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right 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 not the intention of the permitted development right 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.

For a discussion of the difference between conversions and rebuilding, see for instance the case of Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).

Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.”

3.6. The main part of the building is of traditional solid stone walled construction, with a ‘Staffordshire blue’ tiled roof, the later part of the building is constructed of concrete blockwork walls 215mm thick, with a part metal and part timber roof structure (typical of agricultural buildings). The building as a whole is structurally sound and capable of taking the conversion to a single dwellinghouse. The proposal therefore satisfies all of the relevant criteria set out in Paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 No. 596.

3.7. The proposed development consists of the following building operations;

- Insertion of new windows and doors in the building structure using mainly existing openings;
- Overhaul of roof structure to insulate and make weathertight to meet Building Regulations.

3.8. Details of the proposed site layout are included with this submission and show a parking area and outdoor amenity space for the occupiers (garden) both within the proposed curtilage area. The existing blockwork wall will be retained to provide a more private enclosed garden area, reminiscent of a walled garden.

3.9. The conversion of the building into a dwelling will require internal works of insulation and plasterboarding to meet building regulations for energy efficiency (as would any barn conversion).

3.10. In addition to the external alterations to the building the following internal works will be undertaken, however these do not form part of this ‘development’¹ and are documented for reference only, these include;

¹ As defined in the updated NPPG section on Class Q and also section 55 of the Town and Country Planning Act.

- Dry-lining and insulating the walls and roof, vapour barrier installed and plasterboard internal finish. No new structural elements are required.
- These internal improvements to the walls and roof cannot be defined as ‘development’ using the definition detailed by Section 55 (2) (a) of the 1990 Act and therefore do not require planning consent. As such, technical details on each internal improvement to a dwelling (or building) is not required as part of a planning application or prior approval application and is normally assessed in line with Building Regulations legislation.

4. ASSESSMENT AGAINST CRITERIA IN CLASS Q

4.1. Paragraph Q.2 of the GPDO requires the local planning authority to assess the proposal solely on the basis of its impact in terms of transport and highways, noise, contamination, flooding, whether the location or siting of the building make it otherwise impractical or undesirable for the change of use, the design and external appearance of the building, and the provision of adequate natural light in all habitable rooms of the dwellinghouses.

Transport and Highway Impacts

- 4.2 Paragraph 32 of the NPPF states that “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.
- 4.3 The site is accessed via the existing farm entrance from the public highway. Visibility is good in both directions from the site entrance where it joins the public highway, because of the slight bend in the road at this point in favour of an emerging vehicle. The road is relatively narrow so traffic speeds are low. The use of the building as a dwellinghouse would generate minimal vehicle movements compared to the farm vehicle movements associated with farm operations here.
- 4.4 Although the location is not one where new dwellings would normally be allowed to be built, when it comes to barn conversions, **sustainability of a location is not a consideration under Class Q** – please see the guidance in the NPPG copied below:

Is there a sustainability prior approval for the change to residential use?

The permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change the use to residential.

Paragraph: 108 Reference ID: 13-108-20150305

Revision date: 05 03 2015

What is meant by impractical or undesirable for the change to residential use?

Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would “not be sensible or realistic”, and undesirable reflects that it would be “harmful or objectionable”.

When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

When a local authority considers location and siting in this context it will not therefore be appropriate to apply tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant.

Paragraph: 109 Reference ID: 13-109-20150305

Revision date: 05 03 2015

- 4.5 The applicant is happy to incorporate areas for bicycle storage within the barn conversion, to encourage the use of sustainable modes of transport.

Noise Impacts

- 4.5. The building proposed for conversion is sufficiently distant from the neighbouring residential properties to avoid causing any unacceptable impacts upon the amenities enjoyed by their occupiers, and there are no other land uses near to the proposed barn conversion that would prevent a residential use for this building.

Contamination Risks

- 4.6. The building was last used for livestock and storage of feed. It is therefore unlikely that there have been any contaminants which would pose any risk to a sensitive end use such as residential.

Flooding Risks on the Site

- 4.7. The Environment Agency's flood maps show the site as being within Flood Zone 1 where there are no risks to residential development. The development would not materially increase flood risk within the locality as the building and yard are existing features that drain to existing soakaways on the farm.
- 4.8. There is also no surface water flood risk in this locality.

Design and External Appearance

- 4.9. The design and external appearance of the building has been kept to the minimum of alterations to preserve the agricultural character of the original building.
- 4.10. The design of the conversion proposes the introduction of windows and doors, but the whole of the original exterior will still be retained in its current form, and so will not result in any significant change to the appearance of the building overall. Therefore, the agricultural character of the building in this rural environment will be preserved.
- 4.11. The General Permitted Development Order is explicit in listing the external alterations that are permitted under Class Q (b) provided they are reasonably necessary for the conversion of the building into a dwelling. The proposed external works have been designed in accordance with this

criteria, to retain all of the original fabric in its current position, whilst inserting windows to provide light to the rooms proposed in the conversion and achieve solar gain to contribute heat to the interior of the building in accordance with sustainable design principles.

4.12. The proposed design retains the agricultural character of the building whilst adhering to the legislative framework established by Class Q (b). This has been achieved by providing only those external alterations reasonably necessary for the building to be converted into a dwelling (the insertion of windows and doors) and therefore constitutes a conversion.

4.13. The design of the windows and openings protect the essential character of the building, it will continue to appear agricultural in character when viewed from the surrounding landscape.

4.14. The curtilage area around the dwelling will provide a parking area and access to external doors. The curtilage area will not be unduly prominent within the countryside as almost all of it is existing hardstanding. Also given that the permitted development legislation allows for a curtilage area, additional areas are expected to be created where necessary.

Location and Siting of the Building

4.15. There is a degree of inevitability that agricultural buildings across the country will not usually be located in or immediately adjacent to existing settlements, hence they will rarely meet the normal locational sustainability tests.

4.16. This is acknowledged by Paragraph 108 (ID 13-108-20150305) of the National Planning Practice Guidance, which states *“the permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house”*.

4.17. Paragraph 109 (ID 13-109-20150305) provides an interpretation of what constitutes impractical or undesirable circumstances for a residential change of use. It confirms that *“the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would “not be sensible or realistic”, and undesirable reflects that it would be “harmful or objectionable”*.

When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval”.

- 4.18. The application site lies within a rural location but is near to an existing farmhouse, and is closely associated with the group of dwellings on this side of the road in this part of Hollington. It is not in a position where the local planning authority would normally grant permission for a new dwelling, but Paragraph 108 of the NPPG makes it clear that is not a sufficient reason to refuse prior approval. The farm already benefits from ready access to power and utilities. The site has an existing direct access to the public highway.
- 4.19. The building is remote from any uses incompatible with residential development. There are no hazardous or noisy activities operating within the area.
- 4.20. The proposed dwelling is sufficiently distant from other residential properties to avoid causing any unacceptable impacts upon the amenities enjoyed by their occupiers.
- 4.24 The reasons outlined above, the location or siting of the building does not make it impractical or undesirable for it to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Use Classes Order.

5. CONCLUSIONS

- 5.1 The building was last in agricultural use, is structurally sound and capable of accommodating the minimal alterations required to facilitate residential conversion. The proposal satisfies the relevant criteria set out in Paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 No. 596. As amended by S.I. 2024 No. 579. The conversion to residential use does not therefore require full planning permission.
- 5.2 The proposed dwelling would not unacceptably impact upon the safe or efficient use of the highway network, would not give rise to any unacceptable noise impacts, would not increase flood risk and is not at risk from contamination. The building is sited in a rural area but has existing access to the highway with good visibility. The proposed dwelling is not situated in close proximity to any other uses which are incompatible with residential use. Residential use is not therefore impractical or undesirable in this location.
- 5.3 The external alterations to the building in this scheme have been sensitively designed to respect the agricultural character of the existing building and its rural surroundings and consist only of the insertion of windows and doors to provide a functional internal living environment and to allow for solar gain to contribute heat to the interior of the proposed barn conversion in accordance with the principles of sustainable design.
- 5.4 The proposed development therefore constitutes permitted development under Class Q of the GPDO. We respectfully request that this proposal is approved without delay.