



Planning Statement

Removal of Condition 5
Of full planning permission
01/00123/FUL

Goose Neck Farm,
Bradnop,
Leek,
Staffordshire Moorlands
ST13 7EZ

Statement prepared by:

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INTRODUCTION

- 1.1** This statement has been prepared by Dominic Cooney MRTPI, a Chartered Town Planner at [Bagshaws LLP](#) - a company of Land and Estate Agents, Chartered Surveyors, Valuers and Auctioneers.
- 1.2** The site in question is The Barnhouse, Bradnop, Leek, ST13 7EZ which was formerly part of Gooseneck Farm, and includes the Beaver Hall Equestrian Centre site.
- 1.3** On 15th June 2001 full planning permission was approved for a barn conversion on the Gooseneck Farm site into dependant relative accommodation. Under the application reference 01/00123/FUL, condition 5 on the decision notice restricts the separate sale or rental of the dwelling created by the barn conversion from the main farmhouse. The Decision Notice is attached as a supporting document.
- 1.4** Condition 5 of that permission states the following:
- “The dependent living accommodation hereby permitted shall not be let or separately disposed of from the existing dwelling house.”
- 1.5** The reason given for the condition is *“The accommodation is considered unsuitable for independent occupation because of its relationship with the existing property.”*
- 1.6** There does not appear to be a separate legal agreement associated with the planning permission.

Relevant History

- 1.7** The site itself has a long planning history, now being the Beaver Hall Equestrian Centre – a long established business with several permission over the years. The permission relevant to this application (to remove a condition) was the original application for the conversion of a former cowshed/shippoon into residential accommodation. Reference number 01/00123/FUL (because of the age of the permission it can also be found on the SMDC planning search page under **SMD/2001/0204**)

2 The current situation

- 2.1** The main farmhouse at Gooseneck Farm has been sold separately to the main Beaver Hall Equestrian site, which includes the Barnhouse.
- 2.2** The condition number 5 attached to 01/00123/FUL does not prevent this situation from occurring. It only controls the separate let or disposal of the Barnhouse.
- 2.3** At the time of the original planning application, planning policies were more restrictive, specifically B21 whereby residential barn conversions had to first prove that a business use was not viable, or the residential use was subordinate. Dependent living accommodation (or “Granny Annexe”) met this policy. A review of the approved plans shows that all of the requirements for independent living are shown on the plans – kitchen, lounge, bathrooms, bedrooms, utility room. The property has been subject to Council Tax as a separate dwelling since the conversion was completed in 2004:

Property information for

THE BARNHOUSE @ BEAVER HALL EQUESTRIAN CENTRE, BRADNOP, LEEK, STAFFS, ST13 7EZ

Local Authority	Staffordshire Moorlands
Local authority reference number	57408 X
Council Tax band	D
Improvement indicator	No
With effect from	1 April 2004
Mixed-use property	No

- 2.4 In the intervening 24 years since the permission was approved, the planning situation has altered dramatically. It is now Permitted Development to convert former agricultural buildings into dwellings under Class Q, via the Prior Approval process.
- 2.5 If an application was submitted today, a former agricultural building such as this would be allowed to be converted into a separate dwelling in its own right – either under Permitted Development, or via a Full Planning application for change of use. There are no obvious problems with the spatial relationship between the Barnhouse and the main Gooseneck Farmhouse that would cause any detriment to the residential amenity of the occupiers of either property. Indeed, this has been proven by the separate sale of the farmhouse to a willing buyer.
- 2.6 The reason given for the condition is *“The accommodation is considered unsuitable for independent occupation because of its relationship with the existing property.”* But there is no discussion of this as an issue within the planning officer’s delegated report. There are no concerns raised over the distance between the respective buildings or any potential overlooking problems, no problems identified with residential amenity for either the existing farmhouse or the new dwelling created by the conversion of the barn.
- 2.7 The only discussion within the officer’s report is in relation to the policy requirements of policy B21, which no longer exists in the current adopted Staffordshire Moorlands Local Plan [The Adopted Local Plan 2014 – 2033, adopted 9th September 2020]
- 2.8 The current up to date policies relevant to barn conversions such as this are:

Policy SS 10

Other Rural Areas Strategy

Allowing the conversion or replacement of an existing rural building in accordance with Policy H 1;

Policy H 1

New Housing Development

5) In the other rural areas in the open countryside, only the following forms of housing development will be permitted;

d) The conversion of rural buildings for residential use where the building is suitable and worthy in physical, architectural and character terms for conversion; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.

- 2.9 It is therefore clear that if an application were submitted today for the residential conversion of this traditional barn, under full planning permission, it would be policy compliant. There would be no justification for a condition preventing it from being sold separately to the main farmhouse.

3 The Use of Conditions

[Paragraphs 55](#) to 58 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

- 3.1 The applicant contends that condition number 5 does not meet the tests for conditions and so should be removed from the permission.
- 3.2 The condition is **unnecessary** because if an application were submitted in the current planning climate, for change of use under permitted development class Q, or under full planning permission, there would be no reason for the dwelling created to be tied to the main farmhouse. The condition therefore serves no useful purpose and is not relevant to planning. By bringing the permitted development legislation into effect, it is clearly the government's intention to allow former agricultural buildings to change use to residential dwellings, in the interests of farm diversification and of the re-use of existing buildings (a sustainable use of existing built structures).
- 3.3 The reason given for condition 5 is that *"The accommodation is considered unsuitable for independent occupation because of its relationship with the existing property."* However, there

is no discussion within the officer's delegated report around amenity problems caused by the spatial relationship between the existing farmhouse and the proposed barn conversion.

- 3.4** There have been many new dwellings provided by the conversion of existing agricultural buildings under Class Q of permitted development. This has provided dwellings for workers in rural businesses and enabled many enterprises to succeed where they otherwise would have struggled to secure permission for accommodation for the next generation, or to house an expanding workforce in locations where the cost of housing is unaffordable to those on a rural wage.
- 3.5** The condition is also poorly drafted and so is **imprecise** – it seems to be trying to prevent the rent or sale of this building separately from the existing main farmhouse, however it does not prevent the main farmhouse from being sold off separately to the dwelling that has been created by the barn conversion and from the rest of the site. Now that this situation has occurred, the condition has become unnecessary. The new owner of the farmhouse is clearly happy with their ownership being separate from the rest of the site.
- 3.6** The condition is no longer **relevant to the development permitted**, especially when compared to the current policies in the adopted local plan that allow traditional barn conversions, and also when considered against Class Q of Permitted Development.

4 Conclusion

- 4.1** Although it is perhaps understandable why Condition 5 was applied to this barn conversion at the time of the original permission in 2001, the new dwelling that was created by the permission had all the facilities for a completely separate dwelling in its own right. Its sale or letting separately to the farmhouse was restricted by a condition which served a planning purpose at that time – to meet the relevant planning policy B21. But 24 years later the condition has outlived its useful purpose.
- 4.2** The main farmhouse has been sold off separately and is in completely separate ownership. Beaver Hall Equestrian Centre is a successful established business and the Barnhouse is the residential dwelling that serves as the living accommodation for the owners of the site.

- 4.3** There is no longer any clear justification for condition 5 attached to this permission. The condition is now **unnecessary** and **unreasonable**. The reason given for the condition are not explained within the officer's delegated report from the 2001 application, and there is no obvious amenity conflict when assessing the relationship between the two properties on the site today. The condition is in conflict with the guidance and explanations in the National Planning Practice Guidance, and does not meet the tests for Conditions as set out in the National Planning Policy Framework.
- 4.4** The condition is poorly drafted and therefore **imprecise**. The main farmhouse has been sold off separately, which is not prevented by the condition.
- 4.5** It is therefore respectfully requested that condition 5 of planning permission 01/00123/FUL [or **SMD/2001/0204**] is removed from the decision notice without further delay, to avoid an appeal and the associated claim for costs.