

DELEGATED DECISION REPORT

DET/2025/0030
Valid 25/07/2025

BARN TO THE EAST OF
STONE ROCK FARM LEEK
ROAD
WATERHOUSES

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A PROPOSED
CHANGE OF USE OF AN
AGRICULTURAL (OR FORMER
AGRICULTURAL) BUILDING
TO A DWELLINGHOUSE (USE
CLASS C3), AND FOR
ASSOCIATED OPERATIONAL
DEVELOPMENT,
(RESUBMISSION)

(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, the prior approval of those details, relevant to Class Q, Part 3, Schedule 2 of the GPDO. 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.

If the development is permitted, is prior approval required and can it be granted in respect of:

- a) Transport and highways impacts
- 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 to a dwellinghouse
- f) The design or external appearance of the building
- g) The provision of adequate natural light in all habitable rooms

DESCRIPTION OF SITE

The existing building comprises of a stone barn with a dual pitched Staffordshire clay roof, and later lean-to extensions on the west gable end and north elevation, which are of concrete block and asbestos roof sheet construction. The building forms part of the HER site Stoney Rock Farmstead, which is dated as being from between 1775 to 1864.

The site is located in the open countryside approximately 1.4km east of Waterhouses, close to the boundary with Peak Park, although would not be prominently seen from the Park due to its position on a west facing hillside. The building is not listed, although the nearby (approx. 60 metres west of the barn) Stoney Rock Farm farmhouse is Grade II Listed, however being an agricultural building the barn would not be within the domestic curtilage of a Listed building. Furthermore, the barn and the farmhouse are under different ownerships.

The site is accessed via a gravel track from Common Lane. The building has a length of 14.5m with a width of 5.5m. The eaves height is 4.6m with a ridge height of 7.3m. The surrounding land is sheep grazed improved grassland with post and wire fences.

PROPOSAL

The building has a footprint of 118m², and it is proposed to have a curtilage of 118m²,

The application is a "Notification of Prior Approval" application for the conversion of the building into a single dwelling (one large 3-bed dwelling). The footprint of the building is approximately 118m². The internal floor area of the converted building would provide approximately 130m² of floor space it would include use of the hay loft.

The dwelling would take its access with the highway from the existing gravel track. The plans detail a limited amount of repair and rebuilding to restore original elevations. The building is structurally sound and can be converted without significant repair. The application includes a protected species survey report from an ecologist:

- Evidence of bats
- Active swallow nest 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
DC2 The Historic Environment
DC3 Landscape and Settlement Setting
H1 New Housing Development
NE1 Biodiversity and Geological Resources

T1 Development and Sustainable Transport

National Planning Policy Framework

Paragraph(s) 1 -14, 47, 109, 131, 135, 139.

Section(s) 4 – Decision making, 9 – Promoting sustainable transport, 12 – Achieving well designed and beautiful places.

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Class Q, Part 3, Schedule 2

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- DET/2023/0034. DESCRIPTION: Application to determine if prior approval is required for - Change of use of an Agricultural Building to a Dwellinghouse (Use Class C3), and for Associated Operational Development. DECISION: PNAPP.

CONSULTATIONS

Publicity

Site Notice expiry date: Expired

Neighbour consultation period ends: Expired

Press Advert: N/A

Public Comments

None received.

Waterhouses Parish Council Comments

No objection

Environmental Health

Recommend refusal, due to insufficient information regarding noise and odour pollution.

Staffordshire County Council Highways

Acceptance.

OFFICER COMMENTS

The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) in 'Part 3 – Changes of Use', 'Class Q', allows the conversion of agricultural buildings into dwellings without the need to apply for full planning

permission providing the criteria listed under Class Q are met. However, a “Notification of Prior Approval” application needs to be submitted instead and the Council must determine this against the material planning considerations listed above.

The main considerations are whether the proposed change of use meets the criteria for permitted development of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, which relates to development consisting of the change of use of one agricultural buildings into residential accommodation.

Class Q is made up of A and B. Part A considers whether the previous use of the building was for agricultural purposes and if it falls within the floorspace size thresholds for a new dwelling, amongst other tests. Part B determines against planning considerations in terms of highways, flooding, contamination, noise and design and appearance. The report is divided under Part A and Part B.

PART A

Schedule 2, Part 3, Class Q of the Order permits: Development consisting of—

- (a) 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) of the Schedule to the Use Classes Order; or
- (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

However, development is not permitted by Class Q (a) where:

- (a) in the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—
 - (i) on 24th July 2023, or
 - (ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,

At the time of visit, I do not dispute that the agricultural building for which prior approval is being sought was solely used for the purposes of agriculture as part of an established agricultural unit on 24th July 2023. There was no evidence of any non-agricultural use had been introduced when inspecting the site as part of the determination of this new revised Class Q application.

- (b) in the case of a site that was (but is no longer) part of an established agricultural unit—
 - (i) the site was part of an established agricultural unit on 24th July 2023,
 - (ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres; the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or

(iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose,

The cumulative floor space of the existing building does not exceed 3 proposed dwellinghouses or 465 square metres thereafter. Only 1 dwelling is proposed, and the remaining building occupies a total footprint of 130 square metres. The site has not been used for a non-agricultural purpose.

(c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,

The proposal comprises of one separate dwelling totalling 118 square metres of residential floorspace.

(d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—

- (i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or
- (ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,

The proposal is for a single dwellinghouse and will be no more than 130 square metres of floor space.

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The site is not occupied under an agricultural tenancy. This has been detailed in the supporting documentation provided by the agent.

(f) less than 1 year before the date development begins—

- (i) an agricultural tenancy over the site has been terminated, and
- (ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

No agricultural tenancy has been terminated on the site and no other development under Class Q has been carried out.

(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit during the period which is 10 years before the date development under Class Q begins,

No development through Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit in the previous 10 years.

(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point, other than—

(i) extension of the building allowed by paragraph Q.1(i);

(ii) protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i),

The proposed will not exceed the dimensions of the original building, other than the extension of the building allowed by paragraph Q.1(i).

(i) the development under Class Q(b) would result in an extension that—

(i) has more than one storey,

(ii) is sited anywhere other than to the rear of the existing building,

(iii) extends beyond the rear wall of the existing building by more than 4 metres,

(iv) has eaves the height of which exceed the height of the eaves of the existing building,

(v) is higher than whichever is the lower of—

(aa) the highest part of the roof of the existing building, or

(bb) a height of 4 metres above the ground,

(vi) extends beyond a wall that forms a side or principal elevation of the existing building, or

(vii) would be sited on land that, before the development under Class Q(b), is not covered by a hard surface that was provided on the land by virtue of any development, and—

(aa) the hard surface was not provided on the land on or before 24th July 2023, or

(bb) where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q(b) begins,

The extension is sited at the rear of the building, is single storey, and extends no more than 4 metres and is not higher than 4 metres or the eaves of the original building. The extension would replace an existing lean-to which has a concrete base.

(j) the development under Class Q(c) would consist of building operations other than—

(i) the installation or replacement of—

(aa) windows, doors, roofs, or exterior walls, or

(bb) water, drainage, electricity, gas or other services,

to the extent reasonably necessary for the building to function as a dwellinghouse, and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(j)(i),

The development would not consist of development other than the above.

(k) the site is on article 2(3) land,

The site is not article 2(3) land.

(l) the site is, or forms part of—

- (i) a site of special scientific interest;
- (ii) a safety hazard area;
- (iii) a military explosives storage area,

(m) the site is, or contains, a scheduled monument,

(n) the building is a listed building,

The site is not and does not form part of a site of special scientific interest, a safety hazard area or a military explosives storage area.

The site is not on and does not contain a scheduled monument.

The building is not a Listed Building.

(p) the building does not have suitable existing access to a public highway.

The site has access to a public highway via a gravel track suitable for motor vehicles.

Paragraph Q.2 contains conditions that where development is proposed under Class Q(a) together with development under Class Q(b), 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 a range of considerations as detailed below.

PART B

Whether Prior Approval is required and would be granted in respect of:

(a) transport and highways impacts of the development,

Staffordshire County Council (Highways) has confirmed that they have no objection to the application. The site and building has well dimensioned access with the highway and room for cars to park and turn. No issue is raised in regard with these impacts.

(b) noise impacts of the development,

Environmental Health identifies the primary noise source in the area as the neighbouring farm. Environmental Health have objected and recommend refusal on these grounds, stating there is insufficient information being provided to address the suitability of this location for third party residential housing (odour and noise).

Evidence available on Google suggests that the majority of the land associated with the neighbouring Stoney Rock farm has been sold, and the blue edge for this application includes most of the land adjacent to the farm. Furthermore, a site visit revealed that the barns closest to this site are not in agricultural use (they are in domestic use). This suggests that it is unlikely that

there will be excessive noise being produced at the farm to warrant refusal on this basis. Moreover it is noted that there is an extant consent under DET/2023/0034, which was not rejected on the grounds of noise. Therefore it would be unreasonable to reject this application on that basis.

(c) contamination risks on the site,

The site has historically been used as an out building / hardstanding and may have some associated contamination (chemicals / asbestos from old buildings). A full contamination assessment would appear to onerous, however, it would be advisable that all soft landscaped / garden areas are tested for contaminants (including Asbestos screen) to ensure suitability of use areas conditions are recommended.

(d) flooding risks on the site,

There are no flooding risks in relation to this site and it is not located within Flood zone 2 or 3.

(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,

The application barn is located within the rural area, approximately 30m from the nearest agricultural building associated with the farm and the nearest village is 700m east of the barn conversion known as Calton and 1.4km west of Waterhouses. Calton has limited services whereas Waterhouses has a shop, school, café and doctors. There will be a reliance of a car to the nearest services.

In terms of essential services and infrastructure for the occupants, the barns electricity and water supply can be provided particularly as there is another dwelling at the site. This was noted in the structural survey provided by the agent. Although the site does not have access to the public sewage network, a new connection to a package treatment unit (PTU) will be required however, this is expected given its rural and remote setting. As such, there is nothing to suggest that it would be impractical to use the building as a dwelling via conversion works and which can function as a dwelling with decent living conditions.

The dwelling can also be easily provided in a building of this size without contravention of the governments Nationally Described Space Standards which aims to ensure an adequate amount of living space is created for the eventual occupants in the interests of their residential amenities/living conditions. There would also be a private outdoor garden area to the rear for the enjoyment of the occupant(s).

One of the potential impacts that could occur in a rural location is the impact of conversion works on protected species. The Ecological survey stated that the Barn supports nesting swallows and is being used as a temporary roost by a Common Pipistrelle. There will be an impact from the loss of nesting and roosting sites which require compensatory measures to mitigate for the loss of areas and preservation of protected species using the site. To compensate

for loss of nesting and a roosting area, 3 bat boxes and 4 swallow nests are proposed to be installed within the site.

Standing conditions relating to breeding birds will be required. A Natural England License will also be required. The local planning authority must also consider if a bat licence is likely to be issued by Natural England. Three tests need to be passed in order to gain a bat licence. These are as follows:

1. the activity (i.e. the proposed development) must be for a certain purpose - for example, for scientific research or in the case of development, 'preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment '
2. there must be no satisfactory alternative that will cause less harm to the Species
3. the activity must not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Due to the mitigation measures proposed, Test 3 would be passed. It is doubtful that Test 1 or Test 2 would be passed as the proposal would only provide a benefit to the owners looking to improve their property rather than a public social or economic benefit and furthermore, the retention and extension of the barn is considered to be a better alternative than demolishing and replacing it in terms of bat protection.

However, a government update on 22nd December 2022 states that Reasoned Statements to demonstrate that Test 1 and Test 2 can be passed are needed to accompany a Bat Protection Licence but that there are exceptions to this requirement. The exceptions list includes small housing schemes of less than 1 hectare and also residential conversion schemes. There is no requirement to submit Reasoned Statements to gain a Bat Protection Licence for this development. Therefore the Council does not need to consider if the proposal would pass the three tests. I therefore consider that as appropriate protection and mitigation measures have been proposed that the proposal would therefore comply with Policy NE1.

It is considered that while the remote and unsustainable location could be considered to amount to an undesirable impact, there have been case decisions at appeal where the level of sustainability of the location of a site should not be used to refuse an application on the grounds of a Class Q scheme being undesirable. The issue of the level of sustainability of the location is not to be taken into account in Class Q applications

In view of the above, the building has the amenities and location to be converted.

(f) the design or external appearance of the building, and
The design of the building and its appearance is not considered to impact on its surrounding area. The building is an attractive traditional stone barn with a

Staffordshire tile roof. The conversion would make good of the openings and original features such as the stone headers to main the character and appearance of the building which is in keeping with the traditional rural qualities of the area.

The lean-to located to the side will be demolished and replaced. This element of the barn is not original and therefore is of less significance to the overall design but rather utilises the footprint that is currently available in a sympathetic way.

There will be a front-facing rooflight but this would not materially harm the appearance of the building.

In terms of the provision of adequate natural light in all habitable rooms of the dwellinghouses, the proposal is considered to facilitate adequate natural light into proposed rooms.

The applicant intends to use timber fenestrations with chalk blush/Terra ombra (beige). The neutral colour and natural materials are suitable for the building so as to retain the character of the building in a considerate way.

CONCLUSION / PLANNING BALANCE

The application meets all the required criteria under Part 6 Class A and B The building is suitable for conversion to residential use. The building is of sound construction without operations that would amount to either a complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building. The conversion would also meet the tests determined against planning considerations in terms of highways, flooding, contamination, noise and design and appearance.

OFFICER RECOMMENDATION : APPROVE

**Case Officer: Reuben Berriman
Recommendation Date: 19/09/2025**

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council

