

PLANNING STATEMENT

**PROPOSAL : DEMOLITION OF AGRICULTURAL
BUILDINGS AND REDEVELOPMENT OF SITE TO
PROVIDE TWO DETACHED DWELLINGS WITH
ASSOCIATED GARAGE BLOCK, MEANS OF
ACCESS, HARD & SOFT LANDSCAPING
WORKS**

**ADDRESS : WILLOWSHAW FARM, CLOUDSIDE,
CONGLETON, CW12 3QQ**

APPLICANT : MR S MOSS

DATE : AUGUST 2025 JOB No.: 2020-2545

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INTRODUCTION

- 1.1 This statement is submitted in support of a full application for the demolition of two agricultural buildings and the erection of two detached dwellings with associated garage block, means of access, parking, hard and soft landscaping works at Willowshaw Farm, Cloudside, Congleton.
- 1.2 The application has been submitted by Sammons Architectural Ltd on behalf of Mr S Moss and is accompanied by drawing numbers 2020-2545-04, 2020-2545-05, 2020-2545-30D, 2020-2545-34, 2020-2545-35, 2020-2545-37, 2020-2545-38. A structural survey by Cheshire Structural Design Services (Feb 2021), a bat survey undertaken by Absolute Ecology (July 2021) and an updated bat report (July 2024) have also been submitted all of which should be read in conjunction with this statement.
- 1.3 This application follows the grant of prior approval for conversion of the agricultural buildings on the same site. Two separate applications were made one for conversion of the two buildings into 4 dwellings and one for conversion of the two buildings into 2 dwellings (application references DET/2021/0019 and DET/2021/0041). Whilst the council refused both of the applications they were both subsequently allowed on appeal under references APP/B3438/W/21/3289709 & APP/B3438/W/22/3294914. Copies of the appeal decision for the applications are attached at Appendix 1 to this report.
- 1.4 A further prior approval application which seeks to convert the two existing agricultural buildings into four self contained dwellings has been submitted to Staffordshire Moorlands District Council under reference number DET/2025/0035. This application has been validated and is currently being considered. The reason for this application is two fold. Firstly the extant class Q consents both expire on the 22nd September 2025. Unlike planning applications the legislation requires prior approval applications to be completed within 3 years of the consent being granted. No work has commenced on site and given the timescales involved the statutory provisions cannot be met. The resubmitted class Q application therefore seeks to safeguard the current extant consent and if approved will allow the applicant a further 3 year period in which to complete the development. Furthermore, the resubmitted class Q prior approval application differs slightly from the extant consent in that it has been amended so that it qualifies under the most recent provisions which seek to reduce floor area of units to 150 sq metres and take advantage of the provision for rear extensions subject to certain criteria being met.
- 1.5 The second reason for a further class Q application is that as part of this application, the applicant wishes to rely on the fallback position of the class Q approval. The fallback position can only be given significant weight if there is a realistic prospect of the approval being implemented. The amended and resubmitted class Q application will, if approved, ensure that the council can afford it full weight in the consideration of this application.
- 1.6 Notwithstanding the above and whilst it would be the intention of the applicant to carry out the permitted development as resubmitted under application DET/2025/0035 he would prefer to explore the possibility of trading off the class Q permission for a new build development which allows the buildings to be rebuilt, repositioned / orientated on the site to give more scope for fully establishing all aspects of the external appearance, associated

infrastructure and facilities, siting and address any necessary additional landscaping and biodiversity enhancements.

- 1.7 In exploring the alternative full application option (on the basis of a fall back position relating to the Class Q prior approve) it allows a more holistic approach to be taken. This ensures the proposed dwelling remains in keeping with the rural setting and provides adequate and appropriate accommodation for future occupants and not simply be a case of the building being developed to conform to the requirements of the permitted development rights.
- 1.8 The proposed new build dwellings contained within this proposal have been drafted sensitively to allow for a more aesthetically pleasing property which is deemed to more appropriately reflect the character and appearance of the rural area providing flexible sustainable accommodation for future occupiers. The Class Q permission is limited by the position of the existing buildings whilst the new dwellings through improved design, positioning and construction would result in betterment compared to the previous scheme.

2 APPLICATION SITE AND ITS SETTING

- 2.1 Willowshaw Farm is a working farm which lies on the south eastern side of Cloudside. It comprises of a traditional stone and tile farmhouse with an adjoining two storey traditional barn and a range of more modern portal farm buildings and working farmyard. The site lies close to the junction of Cloudside with Dial Lane and the area is characterised by sporadic groups of dwellings on this side of the valley with the land falling away in a north west to south east and south west to north east direction.
- 2.2 For the purposes of this application the site comprises of a broadly rectangular area circa approximately 0.1168ha which contains two modern farm buildings and associated yard area which lie to the north west of the farmhouse. The application buildings have dual pitched roofs and are of substantial and permanent construction. The larger steel portal frame comprises of 2 rows of central columns breaking the span of the frame into 3 spans with a timber mezzanine deck either side of a central corridor. Insitu concrete side walls are present between the external steel columns up to approx. 2m in height, timber purlins and side rails supported a corrugated cement board sheet cladding. The smaller portal frame building is clear span with similar timber purlins and side rails supporting a corrugated cement board sheet cladding.
- 2.3 For the purposes of the development plan the application site lies within the North Staffordshire Green Belt.

3. THE PROPOSED DEVELOPMENT

- 3.1 The application proposes to demolish the existing agricultural buildings and redevelop the site to provide two detached self contained dwellings. Plot 1 would provide an open plan kitchen/living/dining room with separate utility, bathroom and two bedrooms at ground floor with a separate living room, master en-suite bedroom, two further bedrooms and a bathroom above. The proposed dwelling would have a footprint of 143 sq metres and an

overall floor area of 248 sq metres. Plot 2 would provide a kitchen with separate dining room, utility, two bedrooms and bathroom at ground floor with separate living room, master en-suite bedroom, two further bedrooms and bathroom above. The proposed dwelling would have a footprint of 123 sq metres and an overall floor area of 220 sq metres.

- 3.2 The proposed dwellings would be set around a central courtyard area with plot 1 aligned with the north eastern boundary of the site with its ridge running in a north western to south eastern alignment. Plot 2 would be aligned with the south eastern boundary of the site with its axis running on a north eastern and south western alignment. A shared four bay garage block which would provide each of the units with 2 dedicated and secure parking spaces would be located along the south western boundary of the site. A further external parking space for each of the units would be provided within the open courtyard area as shown on the submitted drawings. Each of the units would be provided with a terrace and formal garden to the rear and parking and yard area to the front. The central courtyard area would be subdivided to serve the two units and served by their own access points directly off the adjacent highway.
- 3.3 It is proposed to construct the new dwellings and garage building as portal frame buildings as a modern and contemporary interpretation of an agricultural barn with a mix of timber boarding, natural stone and black insulated composite sheeting to walls under a black composite insulated sheeted roof all as shown on the accompanying plans.

4.0 PLANNING POLICY

- 4.1 In accordance with Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan unless there are material considerations that indicate otherwise.
- 4.2 The National Planning Policy Framework (NPPF) which was most recently revised in December 2024 sets out the governments aims. It is the Government's clear intention that the document should be considered to be a material consideration and as such carries particular weight where development is not addressed by planning policies in the existing Development Plan. Whilst the recently published NPPF does not change the statutory status of the Development Plan as the starting point for decision making it does provide guidance to LPA's and is a material consideration in determining planning applications.
- 4.3 The NPPF confirms that at the heart of the guidance is a presumption in favour of sustainable development (para 11) and that for decision making this means approving development proposals that accord with the Development Plan without delay unless material considerations indicate otherwise. The NPPF also sets out requirements in respect of housing delivery and securing high quality design. The following are considered to be the most relevant chapters:-
- Chapter 2 - Achieving Sustainable Development
 - Chapter 12 - Achieving Well Designed Places

- Chapter 13 - Protecting Green Belt Land
- Chapter 15 - Conserving and Enhancing the Natural Environment

4.4 The Development Plan for the Staffordshire Moorlands comprises of the Staffordshire Moorlands Local Plan which was adopted 9th September 2020. The most relevant policies contained therein are considered to be: SS10 Other Rural Areas Strategy, H1 New Housing, DC1 Design Considerations, NE1 Biodiversity and T1 Transport. For the sake of brevity these policies are not quoted in full but they are referred to where appropriate in the following section.

4.5 In addition to the adopted development plan policies the following are considered to be material considerations in the determination of this application and regard has been had to these as and when required:

- Staffordshire Moorlands Design Guide
- Staffordshire Moorlands Housing Land Supply
- Staffordshire Moorlands Space About Dwellings Standards

5.0 ASSESSMENT

PRINCIPLE

5.1 For the purposes of development plan the application site lies within the North Staffordshire Green Belt. As such there are tighter controls on what form of development can be permitted. New build residential development is considered to represent inappropriate development unless very special circumstances apply or it is one of a number of exceptions.

5.2 Policy SS10 of the Local Plan confirms that strict control will continue to be exercised over inappropriate development within the Green Belt, allowing only for exceptions as defined by Government Policy. It allows for housing development within the rural areas where it accords with policy H1 of the Local Plan. Policy H1 sets out a list of appropriate type of housing development that will be permitted within the rural areas and it is acknowledged that the proposed development does not fall into any of those categories. It is consequently recognised that the proposal derives some conflict with policies SS10 and H1 of the Local Plan in this regard.

5.3 The NPPF is however more up to date and should therefore be afforded more weight than Local Plan Policy SS10. The Government attaches great importance to Green Belts and the construction of new buildings within the Green Belt should be regarded as inappropriate development and that inappropriate development is by definition harmful to the Green Belt unless it is one of the exceptions listed in the NPPF or unless very special circumstances apply (paragraph 153). It is accepted that the proposed development does not meet any of the exceptions (a-h) set out in paragraphs 154 of the NPPF.

5.4 Paragraph 155 of the Framework provides that development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate when all identified requirements apply. The requirement at paragraph 155(a) is that the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

5.5 Grey belt is defined in the Framework as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b) or (d) in paragraph 143. Given the remote location of the appeal site, it would not contribute to the unrestricted sprawl of a large built-up area and would not result in the merging of neighbouring towns. As such it is considered that the site would comply with criterion (a) of paragraph 155 of the NPPF.

5.6 It terms of criteria b of paragraph 155 of the NPPF and demonstrable need it is clear that the Local Authority has a chronic and prolonged history of housing under-supply, and whilst it was able to demonstrate a five year deliverable supply of housing for a short period following the adoption of its Local Plan in September 2020, this lasted for only 7 months. The Council's most recent Housing Land Supply Statement confirms that the housing land supply for the District continues to fall and was recorded as just 3.58 years in April 2023. This figure was further reduced during the consideration of a recent appeal on land to the east of Froghall Road, Cheadle (APP/B3438/W/24/3351035) where it was agreed that the land supply position for Staffordshire Moorlands District Council had fallen further to a mere 2.95 years. This is a considerable shortfall and represents a demonstrable unmet need for housing development in accordance with footnote 56 of the NPPF. Consequently for the purposes of criterion (b) of paragraph 155 of the NPPF there is a demonstrable unmet need for the type of development proposed in the appeal scheme.

5.7 Criterion c of paragraph 155 of the NPPF requires the development to be in a sustainable location. Whilst the application site lies outside any designated settlement boundary it lies immediately adjacent to the existing dwellinghouse. It lies a short distance from Rushton Spencer, identified as a larger village within the settlement plan, which contains a school, church, two pubs, garage, village hall and a number of employment opportunities. The site has previously been judged to be sustainable both when assessing the previous class Q applications but also when the council considered and approved the application to convert the traditional building adjacent to the site under a full planning application for change of use to a self contained dwelling (Ref: SMD/2021/0291). It can therefore be concluded that the appeal site would be in a sustainable location as required by criterion (c) of paragraph 155 of the NPPF.

5.8 The appeal scheme does not represent major development and therefore the requirement of criterion (d) of paragraph 155 of the NPPF to satisfy the "Golden Rules" are not applicable to the appeal proposal.

5.9 In summary therefore the appeal proposal would utilise grey belt land, there is a demonstrable unmet need for housing and the development would be in a sustainable location. The Golden Rules are not applicable. The appeal proposal would therefore satisfy criteria (a) – (d) of paragraph 155 of the Framework and consequently would not be inappropriate development within the Green Belt.

5.10 Whilst the concept of grey belt is relatively new there are a number of recent appeal decisions which relate to sites with very similar circumstances which have been allowed and a number of these have been attached to support this statement and further prove that in general principal terms the development of the site is acceptable. (Appendix 2 – Appeal Ref APP/M3645/W/24/3339699 – Beacon Platt, High Street, Dormansland, Surrey; Appendix 3 – Appeal Ref APP/3645/W/24/3347328 – Woodside House, Copthorne Bank, Copthorne, Surrey; Appendix 4 – Appeal Ref APP/R3650/W/24/3352222 – Land adjoining Hydon Farm, Hambledone Road, Hydestile, Godalming).

5.11 Whilst it is the applicants clear view that the appeal scheme should be allowed on the basis that it constitutes redevelopment of a Grey Belt site as permitted under paragraph 155 of the

NPPF it is considered that the contribution the scheme would make to the council's chronic and prolonged undersupply of housing within the District would be sufficient to constitute very special circumstances which would weigh in favour of the scheme. It is furthermore submitted that the appeal scheme would not derive any adverse impacts to significantly and demonstrably outweigh these benefits. The proposal will make a small yet valuable contribution towards meeting the Authority's shortfall in housing land supply.

5.12 In addition to the social benefits the appeal proposal will also derive significant benefits of to the local economy. The Local Authority's 'Quantifying the Economic Impact of Development' Report confirms that each new house constructed in the District generates 4.3 jobs within construction or its associated supply chain. The proposed erection of two dwellings on the application site will consequently support over 8 jobs within the construction industry and its associated supply chain.

5.13 Furthermore, the Quantifying the Economic Impact of Development Report also confirms that for each new dwelling constructed within the District, there will be a minimum initial one-off spend (in addition to the construction of the dwelling) of £5,000, with a subsequent annual spend of £9,388 per year. Such economic benefits lend further significant weight in favour of the proposed development.

5.14 Environmental benefits will also ensue as a consequence of delivering two new sustainable dwellings which can provide flexible and accessible accommodation in a sustainable location. Such benefits also weigh in favour of the proposed development.

VERY SPECIAL CIRCUMSTANCES – FALL BACK POSITION

5.15 Notwithstanding the above, should the council still be minded to refuse the application then it is considered that any harm, perceived or otherwise, can be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

5.16 As set out in the Planning History, the application site benefits from an extant permission—permitted under prior approval—for the change of use of the buildings from agricultural to four residential dwellings under application DET/2021/0019 and two dwellings under application reference DET/2021/0041 both of which were permitted on appeal.

5.17 A subsequent application reference DET/2025/0035 which seeks consent for a further prior approval scheme of 4 dwellings has recently been submitted to the council and is currently being considered.

5.18 It is established in case law that permitted development rights can legitimately represent a fallback position when considering alternative proposals for development of the same site. The relevant legal principles relating to fall back were set out in *R v Secretary of State for the Environment and Havering BC* (1998) EnvLR189. In that case Mr Lockhart-Mummery QC, sitting as a Deputy High Court Judge, accepted submissions that there were three elements to the fallback test: "First whether there is a fallback use, that is to say whether there is a lawful ability to undertake such a use; secondly, whether there is a likelihood or real prospect of such occurring. Thirdly if the answer to the second question is "yes" a comparison must be made between the proposed development and the fallback use." The notion of the Class Q fallback position was

subsequently and comprehensively dealt with at the Court of Appeal case, *Mansell vs Tonbridge and Malling Borough Council* [2017].

5.19 The case concerned an appeal of the decision of *Garnham J* in dismissing a claim for judicial review of a planning permission granted by Tonbridge and Malling Borough Council, the development being the demolition of a barn and bungalow and the construction of four detached dwellings. When originally granting permission, the officer stated in his report: “In making an assessment of any application for development, we are bound to consider what the alternatives might be for a site: in terms of what could occur on the site without any permission at all (historic use rights) or using permitted development rights for alternative forms of development.” ...and the judge held that the officer was entitled to draw that conclusion: “It was not a precondition to the Council’s consideration of the fallback option that the interested party had made an application indicating to take advantage of Class Q. There was no requirement that there be a formulated proposal to that effect.”

5.20 Specifically, the planning officer advised the council’s planning committee that: “a scheme confined to taking advantage of permitted development would, in my view, be to the detriment of the site as a whole in visual terms...the current proposal therefore, in my view, offers an opportunity for a more comprehensive and coherent redevelopment of the site as opposed to a more piecemeal form of development that would arise should the applicant seek to undertake to implement permitted development rights”. At the Court of Appeal, legal counsel for the appellant argued that the evidence did not demonstrate a real prospect as opposed to merely a theoretical prospect of such a development being carried out. He claimed that the judge should have recognised that the fallback development referred to in the officer’s report was not a material consideration. In responding, the judge stated: “I cannot accept that argument. In my view the officer did not misunderstand any principle of law relating to a fallback development. His advice to the members was sound. The status of a fallback development as a material consideration in a planning decision is not a novel concept. It is very familiar...in this case...it was plainly appropriate, indeed necessary, for the members to take into account the fall back available to the East Malling Trust as the owner of the land, including the permitted development rights arising under Class Q in the GPDO and the relevant provisions of the development plan. Not to have done so would have been a failure to have regard to a material consideration, and thus an error of law.”

5.21 The Court of Appeal dismissed the appeal and thereby did not quash the council’s grant of planning permission. Three issues arose on appeal. The first two concerned: a) the interpretation of Class Q GPDO rights; and b), the materiality of the fallback position. The Court also considered whether the council incorrectly applied tilted balance towards sustainable development in paragraph 14 of the National Planning Policy Framework and it was found that the council had acted rightly in not applying the tilted balance and the ground failed. Relevant to this proposal, the second challenge by the appellant concerned whether there was a ‘real prospect’ of development under Class Q on the lack of contemporaneous evidence that the landowner had contemplated such development. *Lindblom LJ* confirmed the legal considerations in determining the materiality of a fallback position as a planning judgement were: • the basic principle is that for a prospect to be a “real prospect”, it does not have to be probable or likely; a possibility will suffice. • there is no rule of law that, in every case, the “real prospect” will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or

on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary, in others, not. This will always be a matter for the decision-maker's planning judgment in the circumstances of the case in hand. He then concluded that the clear desire of the landowner to develop and maximise the value of the site was sufficient to demonstrate there was a real prospect to the Class Q GPDO fallback position in this case. Therefore, the council made no error in law in giving material weight to such fallback position.

5.22 An ever-growing number of determinations across the country have since recognised the fallback position as a legitimate material consideration. In the appeal case APP/W3330/W/20/3248009 (copy attached at Appendix 5), the Inspector found in favour of the appellant and judged new dwellings would produce a better result than a fallback option allowing for a barn's residential conversion. The Inspector found: "However, there is a realistic fallback position which would result in the same amount of housing being delivered in the same location, and in these circumstances, I afford the conflict with the development plan moderate weight. The appeal proposal would however deliver significant benefits to the appearance of the site compared to that fallback position, and this carries significant weight in favour of the appeal proposal. Overall, taking account of the Framework and the above considerations, I find that the benefits of the proposed development compared to the identified fallback position are a material consideration which outweighs the conflict with the development plan and justifies granting planning permission for the proposal. Consequently, I conclude that the appeal should be allowed." Additionally, there are numerous examples of a Class Q fallback position being deemed to outweigh conflicts with locally adopted policy which have not required an Inspector's input.

5.23 Appeal case (reference: APP/D3830/W/16/3156030 copy attached at appendix 6) is also noted, whereby the Inspector considered a similar proposal which sought to replace a permitted Class Q proposal with a new dwelling under full planning). The Inspector stated: "of critical importance to this appeal is that prior approval was granted by the Council for the change of use of an agricultural building to a dwelling at Great Wapses Farm on 22 December 2015 (the '2015 permission'). I understand that the 2015 permission remains extant and there is no evidence before me to indicate that it is unlikely to come forward were this appeal to be dismissed. As set out in the application form to which this appeal relates the proposal before me is for a differently designed dwelling in place of that permitted via the 2015 permission rather than for an additional dwelling. Consequently the appeal proposal, if allowed, would result in no net addition of dwellings in this location".

5.24 As regards the test set out by Mr Lockhart-Mummery QC in EnvLR189, it is clear that the applicants have a lawful ability to implement a residential use on site, and that there is a real prospect of such a use occurring. It therefore holds that a comparison must be made between the proposed development and the fallback use.

5.25 The site benefits from an extant permission under Schedule 2 part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) GPDO for the change of use of the barn into 4 dwellings. The implementation of the extant permission would see the creation of 4 self contained independent dwellings on the site whereas the current proposal would lead to the erection of just 2 dwellings. Indeed the appeal proposal would result in two fewer residential dwellings on the site compared with that allowed under the extant scheme.

5.26 It is suggested that there are clear benefits in considering development of the site under a full planning application. The applicant wishes to provide an improved design and consider the wider landscaping and other relevant factors affecting the development and given the fact that the scope of Class Q is limited, these wider considerations would not be possible under permitted development.

5.27 Paragraph 137 of the Framework identifies that openness is one of the essential characteristics of Green Belts, along with their permanence. Openness has both a spatial and visual aspect and intrusion on either can, individually or collectively, impact the openness of the Green Belt. The table below provides a quick visual aid which shows the differences between the existing building which currently exists on the site, the extant class Q permitted under DET/2021/0019 for change of use and operational development to 4 dwellings, the recently resubmitted Class Q scheme submitted under application DET/2025/0035 and the current proposal.

5.28 As can be clearly seen below the disaggregation of the barn into two smaller dwellings, results in a significant overall reduction in built form on the site representing a reduction of some 89 sq metres when compared to the existing footprint (-20.3%) or 133 sq metres (30.3%) less when assessed against the extended footprint of the latest class Q submission which includes a 4m extension on part of the rear of the building. The overall volume of the buildings are also significantly reduced with the volume being reduced by 272 cu metres which represents a reduction of 12.5% when compared with the existing building or 394 cu metres or 18% when compared with the extended building proposed under application DET/2025/0035.

	DET/2021/0019 EXTANT SCHEME	PROPOSED SCHEME	RESUBMITTED CLASS Q DET/2025/0035	EXISTING BUILDINGS
FOOTPRINT	PLOT 1 84 M ² PLOT 2 84 M ² PLOT 3 135 M ² PLOT 4 135 M ²	PLOT 1 143 M ² PLOT 2 123 M ² GARAGES 83M ²	PLOT 1 PLOT 2 PLOT 3 PLOT 4	
TOTAL FOOTPRINT	438 M ²	349 M ²	482 M ²	438 M ²
FLOORAREA	PLOT 1 M ² PLOT 2 M ² PLOT 3 M ² PLOT 4 M ²	PLOT 1 248 M ² PLOT 2 220 M ² GARAGES 72M ²	PLOT 1 146 M ² PLOT 2 149 M ² PLOT 3 149 M ² PLOT 4 149 M ²	
TOTAL FLOORAREA	420 M ²	540 M ²	593 M ²	420M M ²
VOLUME		PLOT 1 868 M ³ PLOT 2 744 M ³ GARAGES 300M ³	PLOT 1 PLOT 2 PLOT 3 PLOT 4	
TOTAL VOLUME	2184 M ³	1912 M ³	2306 M ³	2184 M ³
RIDGE HEIGHT	6.15M	HOUSES 7M GARAGES 4.6M	6.15M	6.15 M
EAVES HEIGHT	4.25	HOUSES 5.15M GARAGES 2.7M	4.25	4.25 M

5.29 It is however noted that the consideration of openness includes taking other factors into account including a visual aspect. The existing agricultural buildings are prominent in the landscape sitting close to the adjacent highway and on rising ground when viewed from the north east and south east. The fact that the two buildings have been constructed off one another means that they appear as one large conglomerate mass within the landscape which further adds to their bulk, massing and inappropriateness. The provision of two detached buildings rather than one conglomerate mass assists in reducing the bulk and overall size and scale of the scheme.

5.30 The existing agricultural buildings are large single span portal framed buildings which are non vernacular and inappropriate in terms of their overall size, scale, form, design and materials. The fact that they are highly visible from both the adjacent highway and in longer distance views from across the valley serves only to exacerbate their harm further. In refusing the previous class Q prior approval application DET/2021/0019 (which was subsequently permitted on appeal) the case officer stated that "With regard to the design or external appearance of the building, the building is a large and bulky modern storage building with untidy grey corrugated fibre-cement sheeting and roof and concrete blockwork. Although such buildings are not uncommon in rural areas, the building does not have any design merit and is considered to a purely functional appearance which does not contribute positively to the traditional rural character and appearance of the area. It is also very visible from Cloudside and from longer range views across the landscape to the east." He went on to state that "The proposal looks to maintain the current finishing materials and add large amount of glazing, particularly in the current openings. I do not consider this would significantly improve the appearance of the building as the overall scale, bulk and form of the building together with the materials would remain the same. Although approvals have been given for the conversion of modern portal framed buildings under Class Q, each proposal should be judged on its own individual merits. The building on site due to its scale and form and large width and depth give the building an excessively large and bulky appearance akin to a warehouse and the scale and form of the building together with the materials even after conversion would still in the opinion of the Council result in a poor design and appearance that continues to harm the appearance of the area."

5.31 It is therefore clear, as evidenced by the refusal notice, that the Council would prefer not to see the application buildings retained in their current form. The current application provides the council with an opportunity to trade off the existing agricultural buildings for something which is much more in keeping that respects and reflects the character and appearance of the application site and the wider surrounding area.

5.32 The proposals seek to provide low carbon, efficient use of the site, resilient, adaptable, spacious, safe and secure, connected buildings which will contribute to a sense of place. Siting, layout, form, density and scale, height, massing, detailing, colour, materials are informed by and respect the character of the site and the locality and the needs of future occupiers. The proposal has been designed in conjunction with the applicant, so that it reflects its original character and that of the history of the site and to enable coherent and functional building design. As the site has the characteristic of an agricultural / rural setting the proposed dwellings have been inspired by a barn style courtyard with vernacular materials and appears as a converted farmstead that are otherwise found within the receiving settled landscape.

5.33 The dwellings have been designed to reflect the area but with an emphasis on a contemporary vernacular and a sustainable fabric first approach with sustainable principles

applied throughout. The siting allows for betterment in terms of the site of the building, allowing more natural light and solar gains and mimics a traditional courtyard setting which would be appropriate within the Staffordshire Moorlands. The scale and siting of the new dwellings are proportionate to and representative of the size and shape of the site and surrounding context. Whilst the ridge heights of the proposed dwellings would be marginally higher than the existing buildings the new dwellings have been set into the ground so that this height is reduced to a mere 150mm meaning that any visual impact is negligible.

5.34 The external envelope of the barns have been wrapped in corrugated cladding that lends a rhythm and texture to the buildings elevations and roof. This new profiled cladding unifies the façade and roof simplifying the overall volume and reducing the appearance of the barn to its purest form when seen from a distance whilst the introduction of stone and timber provide some visual interest.

5.35 Beyond the appearance of the buildings the design aims to attain high levels of energy efficiency. Further to this the proposed method of construction, utilising low embodied energy materials such as timber, cellulose and wood fibre, will reduce the buildings impact and lock carbon its structure as well as ensure a healthy internal environment through enhanced breathability. The new build dwellings will achieve an EPC rating of A. By contrast, any conversion scheme has to work with the inefficiencies and poor performance of the existing materials which provide more opportunities for air leakage and moisture build up and are not subject to the same stringent energy efficient tests as a new build dwelling is.

5.36 Both the scheme as proposed and the extant prior approval scheme are likely to result in domestic paraphernalia of a nature that could not be controlled, such as children's play equipment and garden furniture. However the reduction in the number of units from the 4 approved until the extant class Q scheme to the 2 proposed as part of submission scheme along with a consequent reduction in the number of gardens and parking on the site will, when combined with the opportunity to request additional landscaping, ensure that the proposal scheme would be less harmful within the landscape and more easily mitigated within its surroundings.

5.37 A bat survey of the application building and site was completed by Absolute Ecology as part of the previous Class Q application. The aim of the assessment was to identify the presence or absence of bats, barn owls or birds and to identify constraints and / or opportunities in relation to the proposed works. Taking into consideration the desk study and site survey findings the report concludes that no evidence of bats, barn owls or nesting birds was found during the survey and the buildings and that the site has negligible potential for roosting bats. Due to the passage of time since the previous Class Q application the bat survey has been updated with a similar conclusion being reached. Copies of both the original and updated bat surveys have been submitted to accompany this application, and serve to demonstrate that the proposed demolition of the existing buildings will not give rise to any harm to protected species. It is noted that if bats are found, or evidence of bats are found (i.e droppings) once the development commences, works will need to stop and additional surveys to inform a European Protected Species Licence will be required.

5.38 The area surrounding the buildings is already laid to hardstanding / occupied by buildings. The development falls below the threshold for having to demonstrate a 10% net gain, as the proposal will not result in the loss of more than 25 square metres of habitat. Notwithstanding this

mitigation and enhancements suggested by the ecologists have been included in the design of the dwellings. The fallback position does not include these benefits and so these measures carry modest weight in favour of the proposal and ensure that the development will meet the requirements of policy NE1 of the Local Plan and guidance contained within the National Planning Policy Framework.

RESIDENTIAL AMENITY

5.39 Each dwelling is to be provided with an area of private amenity space no larger than that permitted under the Class Q prior approval consent. The designated amenity areas would exceed the recommended minimum standards of 65 square metres and therefore meets the council's expectations in this regard. The two dwellings proposed would have floor areas of 220 sq m and 248 sq metres and would therefore exceed the minimum standard required for a five bedroom 8 person dwelling as set out in the NDSS.

5.40 Furthermore, the dwellings have been designed so that neither property will have principal windows facing the other, thereby avoiding the potential for overlooking / loss of privacy to occur. Amenity areas have also been carefully designed so that they are independent of each other and give no rise to overlooking. Whilst the shared yard area will be divided with a boundary wall to delineate ownership of the plots this boundary treatment has been purposefully kept low so that the openness of the area can be retained. Having regard to the above it is considered that the proposal would be compliant with policy DC1 of the Staffordshire Moorlands Local Plan and guidance contained within the NPPF.

HIGHWAYS

5.41 The site is situated with an existing access to the public highway, and the visibility is considered as being acceptable and providing clear visibility in both directions. The road provides a good access which, when considering the typical nature of many rural roads in the district, can easily accommodate any additional traffic created. It is proposed that the existing accesses into the site to the main highway, will be utilised to serve the dwellings. Within the site, parking and turning areas are proposed within the curtilage of the dwelling with an electrical vehicle charging point in accordance with Building Regulation Standards. There will be no detrimental impact in terms of traffic. This proposal reduces the number of units approved under Class Q permitted development proposal and would therefore actually result in a less intensive use of the site in terms of traffic loading. The proposed development is consequently held to meet the requirements of policy T1 of the Local Plan and guidance contained within the National Planning Policy Framework.

6.0 CONCLUSION

6.1 Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

6.2 The applicant considers that the proposal would find favour under paragraph 155 of the NPPF which permits redevelopment of grey belt sites within the Green Belt. Should the council disagree with this assessment then the applicant has put forward a fallback position in the form of an extant permission under Schedule 2, Part 3 Class Q of the GPDO. This permission allows for the change of use of the existing agricultural buildings into 4 dwellings and is considered to represent very special circumstances which would outweigh any harm, perceived or otherwise. The existing buildings on the site have limited contribution historically or architecturally and as advanced by the Council are unworthy of retention. The proposal is for two detached dwellings that would sit in the same location as a permitted scheme for four dwellings. The extant permission establishes the site as an appropriate location for housing development however given the restrictions and limited provisions that exist under the prior approval process significant weight should be given to the fact that additional benefits could be secured via the current proposal. The proposed development is deemed to represent a significant enhancement (betterment) to both the site and the surrounding area and seeks to provide rural housing of exceptional quality with high quality design, construction, and material quality. Further enhancement can be achieved through landscaping and biodiversity enhancements, provision of electric car charging points and secure cycle parking. The proposed development will provide a satisfactory level of amenity for future occupiers and would not prejudice any established ecological interests on the site but will safeguard and provide appropriate mitigation and enhancement to deliver a net gain to biodiversity. Taking all this into account it can be accepted that 'very special circumstances' have been established to consider the development to be acceptable in principle. The scheme is found to be acceptable in all other respects and it is therefore respectfully requested that the application is approved without delay.