

DELEGATED DECISION REPORT

DET/2025/0040
Valid 07/10/2025

**UPPER HEAKLEY FARM BALL
LANE
BROWN EDGE**

**APPLICATION TO DETERMINE IF
PRIOR APPROVAL IS REQUIRED
FOR A PROPOSED CHANGE OF USE
OF TWO AGRICULTURAL BUILDING
INTO FOUR DWELLINGS**

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

MAIN ISSUES

- Whether or not the application and proposal details as submitted comply with GPDO (2015) Schedule 2 Part 3 Class Q (May 2024 revisions) – buildings on agricultural units and former agricultural buildings to dwellinghouses.
- Transport and highways impacts;
- Noise impacts of the development;
- Contamination risks on the site;
- Flooding risks on the site;
- Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwelling houses) of Schedule 1 to the Use Classes Order;
- Design or external appearance of the building;
- The provision of adequate natural light in all habitable rooms of the dwelling house;
- Part 3 paragraph W (procedure for applications under Part 3 prior approval) including assessments of impacts or risks.
- Part 3 – paragraph X.

DESCRIPTION OF SITE

The buildings the subject of this application are within the Upper Heakley farmyard, across the road (Ball Lane) and to the north of the farmhouse. Works have commenced to convert two other agricultural buildings into residential accommodation (both approved under the Class Q process).

Open fields surround the application site with some sporadic residential properties nearby. Further to the southwest is the settlement of Norton Green. The application site is situated within the Green Belt and a coal development (low-risk) area.

PROPOSAL

The change of use and conversion of two agricultural buildings into four dwellings under the Class Q process.

For the purposes of clarity within this report, the northern most building is to be referred to as building 1 (earmarked for conversion to a single dwelling) and building 2 is that which the applicant proposes to convert to three dwellings.

Building 1 would provide accommodation over two floors. On the ground floor there would be an open plan living/dining area, kitchen, shower room, utility and inner porch. At first floor level there would be three bedrooms (master with ensuite) and a separate bathroom. The garden area for building 1 would be on the western side of it. Parking is within the site which is shared with other dwellings.

Building 2 is proposed to be converted into a terrace of three dwellings. Each property would have a kitchen/dining area, WC, and living room. Each of the three dwellings would have three bedrooms

(master with ensuite) and a separate bathroom. Garden areas to serve the terraces would be at the rear (north-eastern side) of the houses. Parking space for the three properties would be within the wider site. The plans show a row of parking spaces adjacent to the south-west boundary, on the southern side of building 1.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan

SS1	Development Principles
SS2	Settlement Hierarchy
SS10	Other Rural Areas Area Strategy
SD4	Pollution and Watter Quality
DC1	Design Considerations
DC3	Landscape and Settlement Setting
E1	New Employment Development
H1	New Housing Development
NE1	Biodiversity and Geological Resources
NE2	Trees, Woodland and Hedgerows
T1	Development and Sustainable Transport
Appendix 2	Parking Guidance

Supplementary Planning Guidance

1. Space About Dwellings
2. Design Principles for Development in the Staffordshire Moorlands.

Supplementary Planning Document

1. Staffordshire Moorlands Design Guide.

National Planning Policy Framework

Including sections;

- | | |
|----|--|
| 2 | Achieving sustainable development |
| 5 | Delivering a sufficient supply of homes |
| 6 | Building a strong, competitive economy |
| 9 | Promoting sustainable transport |
| 12 | Achieving well-designed places |
| 13 | Protecting Green Belt land |
| 15 | Conserving and enhancing the natural environment |

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

DET/2025/0006	Application to Determine if Prior Approval is Required for proposed alterations and refurbishment of former milking parlour to single storey one bedroom dwelling. Approved.
DET/2023/0008	Application to determine if prior approval is required for a proposed: Change of Use of Agricultural Buildings to one Dwellinghouses (Use Class C3), and for building operations reasonably necessary for the conversion. Approved.
09/00165/FUL	Conversion of barn to dwelling. Approved.

84/12846/OLDDC

Site for farmworkers bungalow. Refused.

CONSULTATIONS

Publicity

Site Notice. Expired.

Press Advert: Leek Post and Times. Expired.

Public Comments

None received during the statutory consultation period.

Brown Edge Parish Council

No real objection on planning grounds as the application conforms with the Prior Approval Class Q rules that allow redundant agricultural buildings to be converted to dwellings. The buildings will require significant modifications to make them suitable but the understanding portrayed by the Agent is that the structure is capable. A question arises as to how the land will be managed once these dwelling conversions are complete for while the blue edged land suggests it is not a large agricultural holding, there will be no storage buildings left on site for farm machinery. This proposal suggests the farm will thereafter no longer exist as the development completes a small enclave of 6 dwellings off the farm yard entrance utilising all the buildings that remain on the site after development as residential properties.

Environmental Health

Environmental Health recommend refusal due to insufficient information being provided to address the noise impacts of the development and the suitability of this location for third party residential housing.

Conservation officer

Respond stating that no technical advice is required from Conservation.

The development site is adjacent to a stone barn identified on the HER (ref: MST12754), but would not involve alterations directly to the stone barn(s). The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining applications and a balanced judgment will be required in regards to the scale of harm or loss of the significance of that asset (par.216 of the NPPF). The application should be determined in accordance with Section 16 of the NPPF and policy DC2 of the local development framework.

Waste Services (SMDC)

Conditions recommended.

Staffordshire County Council Highways

Conditional

Site Visit: 21/10/2025

Personal Injury Collisions:

Current records show that there were not any Personal Injury Collisions on Ball Lane within 215 metres either side of the property between 31/12/2020 and 30/12/2023.

Background:

The application site is located on Ball Lane. Ball Lane is a D classified road (road number D1053), which is subject to a 60mph speed limit, there is streetlighting but no footways.

Public right of way footpath Brown Edge 43 runs along the eastern boundary of the site.

Previous Applications:

DET/2025/0006 – Application to Determine if Prior Approval is Required for proposed alterations and refurbishment of former milking parlour to single storey one bedroom dwelling. - Conditioned by the Highway Authority – Approval granted by Staffordshire Moorlands District Council.

DET/2023/0008 - Application to determine if prior approval is required for a proposed: Change of Use of Agricultural Buildings to one Dwellinghouse (Use Class C3), and for building operations reasonably necessary for the conversion – Conditioned by the Highway Authority – Approval granted by Staffordshire Moorlands District Council.

Description of Proposal

Application to determine if prior approval is required for a proposed change of use of two agricultural building into four dwellings.

Comments on Information submitted

The application is to determine if prior approval is required for a proposed change of use of 2 agricultural buildings to form 1 x 3-bedroom dwelling (Plot 1) and 3 x 3-bedroom dwellings (Plot 2) at Upper Heakley Farm, Ball Lane, Bagnall. Plans show a total of 4 x 3-bedroom residential dwellings which will require, if the proposal was to meet with Staffordshire Moorlands Parking Standards, 2 parking spaces each dwelling (2.4m x 4.8m each space) for residents and visitors. For the 4 dwellings a total of 8 parking spaces is required, the proposal provides 9 spaces as shown on plan GNC/167.1/25/1 Revision A.

There are 2 existing vehicle accesses onto Ball Lane. The southwestern access measures approx. 7m wide and the northeastern access measures approx. 5.2m wide, both accesses are sufficient to allow 2 vehicles to pass.

Visibility at the northeastern access in a south westerly direction is restricted due to the barn wall which is within the visibility splay (point taken from 2.4m to a minimum of 2m rear of the carriageway). However, this is an existing access albeit it does not appear to be in regular daily use. The Highway Authorities preferred option for egress onto Ball Lane would be to use the southwestern access due to improved visibility at this access.

The creation of 4 x 3-bedroom dwellings would generate an increase in trips to/from the site. It is noted gates are currently installed at the accesses to the site. To prevent vehicles standing on the highway whilst drivers open and close the gates the gates should be left permanently open or removed.

It is considered the proposal would not have a detrimental impact on the highway. I therefore have no objection to the proposal (application number DET/2025/0040) subject to the following condition:

The development hereby permitted shall not be brought into use until the parking and turning area has been provided in accordance with the approved plan GNC/167.1/25/1 Revision A. The parking and turning area shall thereafter be retained unobstructed as a parking and turning area for the life of the development.

The access gates shall remain open or removed.

Reasons

To comply with NPPF; to comply with SMDC Core Strategy Policy DC1 and T1; in the interests of highway safety.

Note to Planning Officer:

The red outline plan does not connect with the adopted highway.

Public right of way footpath Brown Edge 43 runs along the eastern boundary of the site. It is noted that Staffordshire County Council Public Right of Way Team have not been consulted regarding the proposal. Given the proximity of the public footpath to the proposal site comments should be sent from the PRow Team.

The location for the proposed residential dwelling is not in a sustainable transport location or an existing community. By this I mean the location has no amenities such as a local shop or access to any medical

or educational facilities. All trips to such facilities are more than likely to be made via a private car due to there being no footway provision on Ball Lane.

Peak and Northern Footpaths

We note that the Public Right of Way Brown Edge 43 is close to or within the proposed site, and may be affected by access traffic to the site. The use of any PROWs, and the safety of users must not be affected by the development, nor during the work taking place. This comment is made on behalf of Peak and Northern Footpaths Society, a registered charity which exists to protect and improve public rights of way for use by walkers. Nothing in this response should be taken to imply the Society's support for the development.

Rambler's Association

P.R.O.W footpath Brown Edge 43 starts from Ball Lane and goes down the right hand side where the proposed development will take place. This must not affect the use of this footpath during or after development.

Staffordshire Wildlife Trust

Staffordshire Wildlife Trust has been asked to review the above application as part of a service level agreement with Staffordshire Moorlands District Council to provide ecology advice regarding planning and development management functions.

Documents Viewed:

- Application Form
- Supporting Statement Class Q- JMI Planning, October 2025.
- Existing site plans
- Proposed site plans

We recommend no objection taking the below information into account.

Class Q are exempt from BNG and planning permission. Therefore, Staffordshire Wildlife Trust have restricted comments to those relating to wildlife legislation.

There should be mitigation for protected species that may be using the site, this should include a sensitive nocturnal lighting scheme, the provision of bat and bird boxes, not using plastic sheeting or mesh on scaffolding, using a precautionary approach for any vegetation or ground clearance, timing and checks for breeding birds and retaining / enhancing habitats for bats and birds (the latter point where possible). Even if planning permission is not required, protected species legislation is still applicable.

OFFICER COMMENTS

The Town and County Planning (General Permitted Development) (England) Order 2015 (As amended) allows, within Class Q, for

(a) 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.

(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.

The May 2024 GDPO revisions relating to Class Q now enable a broader range of buildings to be considered for Prior notification Part 3, Class Q change of use to Class C3 (dwellinghouses). Whereas the previous class Q provisions related solely to agricultural buildings, the current allowances provide the potential for non-agricultural buildings to be converted, providing that they are on an agricultural site and comply with other, relevant Class Q criteria.

The Planning Statement contends that the building does qualify for change of use consideration under the Class Q allowances. The Local Planning Authority are also informed that *'the buildings were erected prior to 24th July 2023 and, other than door openings for loading/ unloading, they are substantially enclosed.'* The LPA are also told that *'the buildings are accessed via the existing farm access and surfaced driveway which emerges onto Ball Lane,'* and that *'the site is part of an established agricultural unit and has been so since before 24th July 2023.'*

The proposal is considered to comply with Q.1(a). The information supplied, together with the site visit findings demonstrate that the provisions of Q.1(a) are satisfied as the agricultural use was taking place before 24th July 2023.

Q.1(b) is not applicable as this scheme does not relate to a building which was formally part of an established agricultural unit.

(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,

This part appears to be complied with. The internal floorspace of the detached dwelling measures at approximately 149 square metres. The terraced dwellings each have a floorspace of less than 150 square metres, at approximately 90 square metres each.

(d) i) Complies. The total number of dwellings (proposed in addition to those previously approved) does not exceed 10.

(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 complies as the total floorspace for previous and proposed dwellings is less than 1000 square metres.

Q.1 (e) and (f). Not applicable, the site is not subject to agricultural tenancy. The application form confirms this, and no representations have been received to suggest otherwise.

Q.1 (g). Complies. No evidence found of any Part 6 developments within the last 10 years. Applicant has confirmed this within the Planning Statement and no planning records can be found to suggest this is the case.

Q.1 (h) Complies. No proposed extensions.

Q.1 (i) Complies. No proposed extensions.

(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 Planning Statement does give some detail about the proposed works, such as;

- they (buildings) are sufficiently strong and sound to take the loadings associated with the proposed alterations.
- No structural interventions are required or proposed;
- Buildings requiring some external works;
- retention of cladding and corrugated roof;
- Proposed alterations do not constitute rebuilding,

In respect of this part (j), there is no structural report to demonstrate that the buildings are suitable for conversion. Changes can be made to buildings which are subject to Class Q criteria, however the lack of a survey from a qualified professional means that this part cannot be fully assessed as other building operations may be required.

(k) Complies. Site is not article 2(3) land.

(l) 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;

(m) Complies. Site is not, and does not, contain a scheduled monument.

(n) Complies. Buildings are not listed.

(o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it.

Detached dwelling

In respect of the proposed detached dwelling, the plans show a two-storey, 3 bedroom, 6 person house (3 x double rooms) NDSS requirements are that this must be 102 square metres. A basic measurement of the floorspaces show an area of approximately 175 square metres. However, the plans do not provide enough information to satisfactorily calculate head height, including minimum floor to ceiling height for at least 75% of the Gross Internal Area. In particular the first floor does not demonstrate restricted head height areas, therefore it is not possible to calculate floorspace compliance. The proposed dwelling is compliant in that there is at least one double/twin bedroom and all of the double rooms have more than 11.5sqm of floor area (compliance). All bedrooms comply with the width standards.

Terraced houses

The plans show 3 bedroom, 5 person houses (two doubles and one single). For houses of this size, over two floors the floorspace area must be 93 square metres. Similar to the detached house, a basic floorspace calculation shows compliance with the required area. However, the plans do not provide enough information to satisfactorily calculate head height, including minimum floor to ceiling height for at least 75% of the Gross Internal Area. In particular the first floor does not demonstrate restricted head height areas which is normally shown on floorplans, therefore it is not possible to definitively calculate floorspace compliance. Furthermore, the single bedrooms do not comply with the NDSS standards. The single rooms do (just) meet the width requirements, but they do not comply with the floor area, measuring approximately 6.5 square metres rather than the required 7.5 square metres. This calculation may be lessened in the event of knowing the accurate head heights as referred to above. Double/twin rooms appear to comply with the width standards.

It is noted that the Planning Statement informs that the Nationally Described Space Standards are met, but there is no information to demonstrate this calculation.

(p) the building does not have suitable existing access to a public highway. No issues with this part, the Highways officer is not objecting to the proposed access as per comments within the 'Consultations' section of this report.

Part of the Class Q(a) allowance is for land within the curtilage of the building to change its use from agricultural to domestic. Part X (Interpretation of Part 3) defines 'curtilage' as a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser.

The curtilage sizes comply with the size restriction for both the detached and terraced dwellings.

Condition Q2 of Class Q requires the Local Planning Authority to determine whether or not prior approval is required in respect of;

- (a) transport and highways impacts of the development,
- (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 from agricultural use to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order.
- (f) the design or external appearance of the building, and
- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

The provisions of paragraph W (prior approval) must also be applied and the Local Planning Authority must have regard to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

Transport/Highways

The application site is located on Ball Lane. The County Highways Officer advises that Ball Lane is a D classified road (road number D1053), which is subject to a 60mph speed limit. Unlike previous residential conversions on the site, this proposal would see the use of an existing access to the eastern side of the roadside boundary. Within the site, the access drive would curve to the west, leading to a row of parking spaces positioned along the western boundary. Nine parking spaces are marked on the plans, labelled as 'Parking to proposed units.'

Comments from the County Highways officer can be read in full within the 'Consultations' section of this report. The Highways officer recognises that visibility from the north-eastern access (the one proposed to be used for the dwellings the subject of this application), is restricted to the south-west due to the location of a barn building (currently being converted). It is clear that the Highways officer would prefer the southwestern access to be used but she does not object to this proposal, subject to a condition to secure the onsite parking spaces prior to first use of the development, and for the access gates to be left open or removed. The agent has advised that technically both accesses could be used.

Noise Impacts and Location and Siting of the Building

Environmental Health officer's recommend refusal of the application and provide the following comments in respect of noise.

'Noise Impacts of the development: the proposed development site is inside/adjacent to a working farm. Farms during normal operation can cause significant noise through a range of sources e.g farm machinery and livestock. Farms also operate through the day from early morning to late at night, so disturbance to these proposed dwellings through farm noise could be expected especially during unsocial hours. The farm appears to retain a right of access through the proposed residential site to an informal agricultural storage area to the north of the site. This could cause significant impact to the

amenity of the new residents and complaint to the local authority. The operation of the farm could be compromised if complaint is caused.'

The agent has advised that the farm no longer keeps livestock, but that it will continue to produce silage with occasional access required for that use.

The plans clearly show the existing vehicular access to the farm beyond the development site, therefore in addition to the potential noise and odour issues, there is the fact that farm vehicles would have to pass in extreme close proximity to the rear of the detached dwelling and directly in front of the principal elevation of the terraced row which contains windows serving all the lounges and a number of first floor bedrooms. This relationship is unacceptable as farm related vehicles could be passing the properties at all times of the day and night. There is no satisfactory information within the application to advise how the existing farming activities will continue without causing unacceptable potential noise (passing immediately beside the proposed dwellings) and odour issues to occupants of the proposed dwellings. For these reasons it is concluded that the development is unacceptable in terms of location and siting, making it impractical and/or undesirable for the building to change from agricultural use to a Class C3 use.

Contamination

The site has historically been used as an agricultural outbuilding / 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.

Flooding risks

The application site is not within any area known for flooding.

Design or external appearance of the building.

It is recognised that Class Q permitted development rights allow for a wide range of alterations to agricultural buildings. However, the Local Planning Authority are able to assess the application in terms of design and external appearance. Whilst the buildings the subject of this application are not traditional stone and tile structures, the design and external appearance of the buildings still has to be acceptable. The issue here is the over fenestration of the buildings. A number of the rooms are served by multiple windows (particularly within the detached dwelling), the oddly formed eaves overlapping windows at first floor level appears out of character with a rural setting to the detriment of the sites character. Furthermore the volume of glazing would mean that in dark conditions, internal light would illuminate the buildings when viewed from the surrounding area. This would increase its visibility within the wider landscape, in an inherently dark area, eroding the undeveloped character of the area.

Adequate natural light

No issues in terms of adequate light provision. Within the detached dwelling all rooms apart from a downstairs shower room and a first-floor bathroom have windows. Within the terraced properties all rooms have windows apart from the ensembles. None of the windowless rooms are principal rooms.

Ecology / Protected Species

It is noted that Staffordshire Wildlife Trust have not objected to the application but note that Class Q applications are exempt from Biodiversity Net Gain. The Wildlife Trust confirm that their comments are made relating to wildlife legislation only and note that there should be mitigation for any protected species using the site. However, as no ecological surveys have been submitted, it cannot be guaranteed that the proposed development would not result in any harmful impact upon protected species. It is noted that no part of the design proposal accommodates mitigation methods. Chapter 15 of the NPPF contains the relevant national planning policies which relate to conserving and enhancing the natural environment, which include the protection of protected species.

Public Right of Way

Public Right of Way Brown Edge (43) runs to the east of the application site, through the field from the road, adjacent to the site boundary before branching off into the Upper Heakley farmyard beyond the application building. No objections have been received from Peak and Northern Footpath or the Rambler's Association. The Staffordshire County Council mapping system also shows that the footpath will not be affected.

CONCLUSION / PLANNING BALANCE

For the reasons outlined within the report, it is recommended that the application is refused. Not only has it been found that the scheme does not comply with all of the permitted development criteria within Part 3 Class Q, it is also determined that the application fails in terms of noise impacts, location and siting (impractical / undesirable), design / external appearance and lack of information concerning potential impacts upon protected species.

OFFICER RECOMMENDATION : Refuse.

Case Officer: Lisa Jackson

Recommendation Date: 02.12.2025.

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council