

DELEGATED DECISION REPORT

DET/2025/0041
Valid 08/10/2025

FAR LAKES FARM
SHAW WALL LANE
WHISTON

**APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A PROPOSED
CONVERSION OF AN
AGRICULTURAL BUILDING TO
TWO DWELLINGS**

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

MAIN ISSUES

- Compliance with the requirements of Class Q under Part 3 of Schedule 2 to the GPDO(2025)
- (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;
- (g) the provision of adequate natural light in all habitable rooms of the dwelling house;

DESCRIPTION OF SITE

This is a highly rural location reached via a narrow and twisting lane, the adopted C64 Shaw Wall Lane. It is 1.5km from the nearest more significant road, the A52 to the east and it is a journey distance of 3km via Park Lane to Ipstones in the north west, a larger village and the nearest modest service centre. The landscape topography is undulating from north west to south east across a steadily rising south west to north east slope. The application building sits just above the 265m contour. It is 60m down from a gateway on to Shaw Wall Lane (which is approximately on the 270m contour). A public footpath right of way (Ipstones 50) leads in from due west to the roadside gateway and affords views down on to the site from about the 270m contour level. Footpath (Ipstones 51) runs generally south from close to the Shaw Wall Lane gateway and passes some 30m to the east of the application site giving partial visibility but somewhat restricted by intervening boundary hedgerows.

There are two existing dwellings nearby, Newfields Cottage against the lane and some 60m north east from the proposal building and Newfields Farm some 70m south west accessed down a track passing Newfields Cottage.

The first building erected at this location was the one seen to the near left in Fig. 1 below, following a 2009 consent.



Fig. 1 – the application building seen in its rural setting from the north east approach from Shaw Wall Lane in context with two nearer adjacent farm buildings.



Fig. 2 – the application building again from the north east but closer



Fig. 3 – the application building seen from the south west looking back towards the farm buildings group

The building seen rear centre left in Fig.3 above was approved following a 2019 consent. The nearer building to the right in Fig.3 is the current application building. It was already present by the time of the 2019 application but there appears to have been no planning permission for it.

Also approved as part of the 2019 application was “extension to existing hay store”. The ‘*existing hay store*’ in question scales from the plans as being c. 14m x 9.0metres and was shown in the position of the current application building. They appear to be one and the same but evidently the further extension was never built as the current application building also scales from the now submitted 1:100 ‘Existing Plans’ drawing as being c. 14m x 9.0 metres.

Figure 4 below is an extract from the 2019 scheme block plan. Height dimensions by scaling from the 2019 drawings were c.5.0m to the lower (westerly) roof edge and c.6.0m to the higher (easterly) roof edge. In the now submitted as-existing drawing the building scales as closely corresponding with c.4.9m and c.6.3metres.

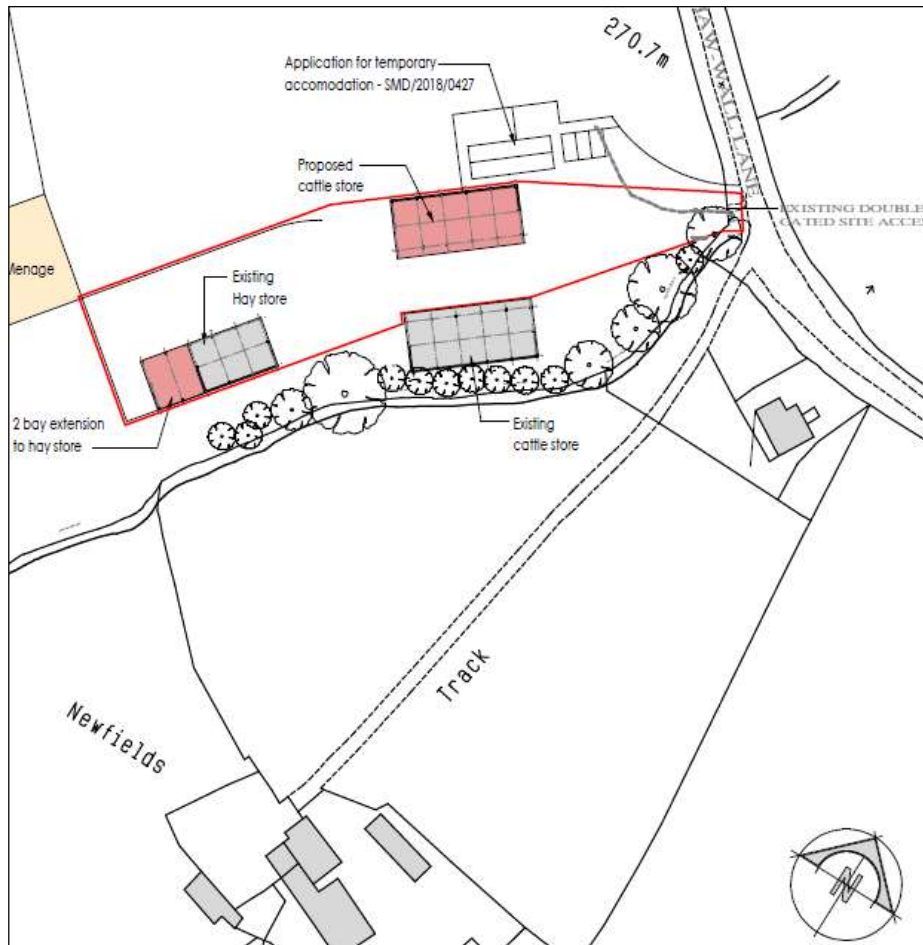


Fig. 4 – proposals shaded red approved under SMD/2019/0051

PROPOSAL

From the submitted planning statement at 3.7: *“The proposals do not involve any extension to the building, apart from over-cladding the walls in stone and timber which protrudes less than 200mm.”*

At 3.14: *“It is proposed to overclad the concrete panels in stone and the profile sheet cladding in timber boarding. The building will be insulated internally to meet the requirements of the Building Regulations.”*

At 4.16 The proposals include modest domestic curtilages which would be attractively landscaped. The properties would not therefore appear unduly prominent within the landscape.

At 4.18 All habitable rooms are served by at least one window which will allow for adequate natural light to permeate.

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
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework (Dec 2024)

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 5 – Delivering a sufficient supply of homes; 8 – Promoting healthy and safe communities; 9 – Promoting sustainable transport; 11 – Making effective use of land; 12 – Achieving well designed places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

09/00600/FUL – Construction of agricultural stock and implement shed – approved

SMD/2019/0051 – Proposed construction of cattle store and extension to existing hay store – approved

SMD/2023/0011 – Erection of Agricultural Workers Dwelling – refused

CONSULTATIONS

Publicity

Site Notice expiry date: 07.11.2025

Neighbour consultation period ends: 17.10.2025

Press Advert: N/A

Public Comments

Representations from three parties raising objections:

The owner purchases 2 fields in open country in a tranquil setting with the intention of building on the land. A collection of random buildings and machinery has been added to the site gradually ticking boxes to obtain planning permission to build dwellings. His

needs and requirements have changed to suit criteria. A building that was apparently needed for agricultural use obtained planning permission. That same building is now being proposed for conversion into 2 dwellings.

There is a static caravan at the farm placed without planning permission.

Application for a dwelling on the site was refused planning consent so there is no reason now why permission should be given for 2 dwellings.

This is not a case of a farm family needing additional accommodation.

Noise – My home at Newfields Cottage Shaw Wall Lane is greatly impacted by the noise and disturbance from the site. The noise carries across the field in volume. Whilst the site was occupied during the time a temporary dwelling was on site I was unable to sleep at night and work from home due to human noise, machinery noise and vehicles coming and going. If dwellings on the site were to be occupied it would be a return to these conditions.

Another family living adjacent to the site will be affected by the same disturbance but feel unable to come forward to comment.

Disturbance to wildlife – Tawny owls that nested in the trees above the buildings for years left their nest site whilst the site was occupied and disturbed by light pollution and noise. They returned to their nest this year as the site became unoccupied again.

Access – entrance to the site from the highway is on a narrow lane. Historically there was not an entrance here it came about during a storm when the wall collapsed.

Drainage and flooding and pollution – Flooding has always been an issue at this point. Any attempts to cure this have only been temporary. Flash floods are becoming more frequent with global warming. This washes over agricultural land and through the sheds carrying agricultural run off into the adjacent water course that flows into the River Churnet. Shirley Brook is one of the clearest streams that feeds the Churnet with a good population of aquatic invertebrates and breeding brown trout.

The site access is poor.

The site development will be intrusive to the only other two dwellings (which have been there for many tens of years) and not in keeping with the landscape.

The ground floods (there is photographic evidence of this).

The extra amount of light pollution from an additional two properties would impact on the local wildlife and local residents.

Extra noise from two extra dwellings would also have a negative impact.

The stream which flows at the back of the proposed site would be in danger of either pollution or having detrimental alterations made to it to prevent flooding.

I cannot see anyone wanting to live where the site is as it will be surrounded by agricultural buildings.

Will there be attempts to use this as a step to develop more of the site?

Loss of farm land needed to feed the nation.

Negative impact on amenity and business at Newfields Farm and Gallery as close neighbours of the site.

The proposal should at the very least be subject to a full planning application.

Previous applications for living accommodation have been turned down and important reasons remain not to permit.

Noise and disruption during construction would be excessive and detrimental to [existing neighbouring occupiers].

Town / Parish Comments

Ipstones Parish Council

- formally requests that the above proposal be subject to a full planning application rather than proceeding under permitted development or prior approval routes

- this request is made in accordance with the Town and Country Planning Act 1990 and the National Planning Policy Framework (NPPF), which emphasise the importance of local scrutiny and environmental protection. Reasons for the request:

- Impact on Local Residents: The proposed development is in close proximity to residential properties and public rights of way (Ipstones 50 and 51). A full application would allow proper consultation and consideration of residential amenity, traffic, and visual impact.

- Planning History: The site has a history of refused applications, notably SMD/2023/0011, which was rejected due to its location in open countryside and failure to meet policy requirements for agricultural dwellings. This precedent supports the need for thorough assessment.

- Flood Risk and Environmental Sensitivity: The proposed development area is subject to seasonal and surface flooding, which poses a risk to nearby watercourses. These watercourses are known to support rare Stonefly populations, a protected indicator species under UK biodiversity frameworks. A full application would enable proper ecological and hydrological assessments

- Policy Compliance: The development lies within open countryside as defined by the Local Plan Proposals Map. A full application is necessary to assess compliance with SMDC's Local Plan policies on rural development, biodiversity, and landscape character.

- Public Interest and Transparency: Given the environmental and community sensitivities, a full planning application would ensure transparency, public engagement, and accountability in decision-making.

[Nb LPA advised the Parish that there is no option to switch the proposal to being dealt with as a full planning application.]

Environmental Health

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

Staffordshire County Council Highways

Shaw Wall Lane (Road No. C0064) is a C classified road with a speed limit of 60 mph. There are no footways or system of streetlights along Shaw Wall Lane. No objection (to application number DET/2025/0041) subject to the following conditions.

The development hereby permitted shall not be brought into use until the parking, servicing and turning areas have been provided in accordance with the approved plan titled Proposed Block Plan. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.

The development hereby permitted shall not be brought into use until the existing vehicle access point rear of the public highway has been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 5m back from the site boundary in accordance with details to be first submitted to and approved in writing by the Local planning authority. The access shall thereafter be surfaced in accordance with the approved details. The access gates shall remain open or removed.

Reasons

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

Note to Planning Officer;

Reconstruction of the existing vehicle access point would be appropriate for a residential use but would benefit all uses of the access. The red outline plan does not connect with the adopted highway.

Public right of way footpath Ipstones 50 runs to the north of the site and converges with/shares the farm/site access onto Shaw Wall Lane. It is noted that Staffordshire County Council Public Right of Way Team have not been consulted regarding the proposal.

The location for the proposed residential dwelling is not in a sustainable transport location or an existing community. By this is meant the location is not lit and 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 Shaw Wall Lane.

OFFICER COMMENTS

Principle of Development

Primary requirements

1. Class Q provides for the change of use of “buildings on agricultural units and former agricultural buildings to dwelling houses”. The application building in this case is put forward as an ‘agricultural building’.

2. Paragraph X, headed ‘Interpretation of Part 3’ (Changes of Use) provides the following definitions:

“agricultural building” means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and
“agricultural use” refers to such uses;

“established agricultural unit” means agricultural land occupied as a unit for the purposes of agriculture

[(a) not applicable]

(b) for the purposes of Class Q or S, on or before 20th March 2013 or for 10 years before the date the development begins;

3. The LPA can accept that the proposal site’s planning status is ‘agricultural’ in planning land use terms. The building to be converted appears to have been built as an ‘agricultural building’ although it appears not to have the benefit of planning permission.

4. The agent’s statement says: *“The building forms part of an established holding. Its agricultural use pre-dates 24th July 2023 and it has not been put to any alternative use since. The building is in good condition and can be adapted to residential use without necessitating significant alterations.”*

5. There is however no express information submitted to the LPA to show that the building is or was last used for agriculture or that this use if it occurred was or is “for the purposes of a trade or business”. The building was very clean and largely empty at the LPA case officer site visit.

6. At the heart of the permitted development regulations under Class Q is that the proposal where it involves ‘building operations’ must be one of ‘conversion’ (see Q(c)). The permitted development right does not provide for a replacement building to be created.

Procedure and information requirements

7. As amended by SI (2024) No.579, subject to a series of detailed criteria set out under Part 3 of Schedule 2 to the General Permitted Development Order (2015), Class Q (a) permits the change of use of buildings on agricultural units and former agricultural buildings to dwellinghouses. Also permitted at Class Q (b) are the extension of the building (within certain defined limits) and building operations reasonably necessary to convert the building.

8. Permitted at Class Q (c) is “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”. In this case the application seeks to take advantage of the ability to add ‘protrusions’ of up to 0.2 metres “to accommodate building operations allowed by paragraph Q.1(j)(i)”.

9. Q.1(j)(i) refers to or ‘defines’ development not permitted as including as follows (bold emphasis added):

(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 [not relevant to his proposal].

10. The local planning authority may refuse an application where, in the opinion of the authority—

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question. See W.3 of Part 3.

Conclusion to the ‘principle’ of the development

11. There is lack of certainty as identified at (5) above but on balance with no indications to the contrary to suggest the building not having been so used and with significant indications seen at the LPA site visit that active farm use, on a scale likely to amount to a business, it can be accepted that the development meets requirements to be acceptable ‘in principle’ under the terms of Class Q.

Class Q Conditions – Q.2 issues (a) to (g)

12. The local planning authority must, when determining an application—

(a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) [highways] or (6) [flooding] and any notice given under subparagraph (8) [public consultation];

(b) have regard to the NPPF so far as relevant to the subject matter of the prior approval, as if the application were a planning application;

13. It is to be noted that where an application is refused under W(3) paragraph W(4) provides that “Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.”

The matters under which prior approval may be required

14. Condition Q.2 which makes the prior approval submission necessary requires the LPA to consider specifically the following:

- (a) transport and highways impacts of the development – based on the consultation response of the County Highways Officer no fundamental issues arise. Conditions could be attached along the lines requested.
- (b) noise impacts of the development – the development would not be expected to give rise to noise impacts, such as may affect neighbouring dwellings for example except potentially during construction and condition could be attached to satisfactorily control this.
- (c) contamination risks on the site – from the LPA site visit and noting the planning history – this was entirely field land as recently as 2006 (air photo) – this is judged unlikely to arise at this location but could be covered by precautionary condition if required in event of approval but the view taken here is that it is unlikely to be necessary.
- (d) flooding risks on the site – none likely as the site is in flood zone 1. This notwithstanding the issues raised by objectors. Localise drainage management could be managed by condition.
- (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 – see under amenity below;
- (f) the design or external appearance of the building – see under design below.
- (g) the provision of adequate natural light in all habitable rooms of the dwelling house; [NB para W(2A) from 2020 says that the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.] – from an examination of the proposed room layouts and window openings as shown in the Proposed Plans Drawing the LPA can be satisfied that adequate light would be available to most habitable rooms. There must though be some concern about the light to the ground floor rooms on the SE elevation which are very close to and almost in contact with the boundary hedgerow.

Amenity

15. Concern arises with regard to the potential for living conditions to be adversely impacted from adjacent farm yard activity. The Council's EHO advises: recommendation of refusal due to insufficient information being provided to address the noise and odour impacts of the development and the suitability of this location for third party residential housing. The combined effects of noise, odour and associated farm / stock management activity to service the use of the adjacent buildings at the close proximity involved leads to a conclusion that the location of the dwelling would be unsuitably close. At this very close proximity even non-livestock storage uses eg for fodder and /or equipment would have the potential and indeed likelihood of causing unacceptable levels of disturbance and disruption to residential occupiers. This was put to the agent who responded that the dwelling was for the farmer. However two dwellings are proposed and it would be difficult to attach an enforceable condition to prevent un-related third party occupancy of at least one of the dwellings and / or onward letting or open market sale.

16. Only a very limited outdoor amenity space is shown of c. 36m² per dwelling (excluding the parking spaces) making it well below the Council's 65m² minimum figure in the Space About Dwellings SPG.

17. NDSS for a two storey / two bedroom / 4 person dwelling requires a minimum 79m² gross intel floor space. Each of the proposed dwellings here would provide c.100m². The bedrooms would also meet or exceed the minimum dimensions required. The NDSS requirements are therefore met.

[This is relevant by effect of article 9A of the GPDO (2015) as amended.

(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

(a) where the gross internal floor area is less than 37 square metres in size; or

(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.]

18. Given the 50m (and greater) separation distances, any noise impacts for existing neighbours are judged unlikely to be overbearing or otherwise problematic. A condition could be attached to control noise during construction to at least avoid anti-social hours. Building regulation sound proofing should minimise noise between the two proposed attached dwellings of the conversion.

Design

19. As an agricultural building the existing structure is 'of its type' and not especially out of the ordinary. It is a bit awkward in its roof form / cross section profile but otherwise is consistent with the other buildings grouped at the site. As a dwelling however the building form bears no relation to the Staffordshire Moorlands tradition and would be wholly out of character. In contrast the two nearest neighbouring dwellings are very characteristic. The contrasts would jar starkly. The location is in the Dissected Sandstone Highland Fringe landscape character type, noted here in a County-wide context as being of 'high' quality (level 4 on a 5 point scale where 5 is highest). The Character Type is here also considered to have the 'highest sensitivity' to landscape change. As noted, the site would be seen from public footpath vantage points.

20. No details are provided as to how drainage both foul and clean would be managed. It is though likely that the applicant could provide for this by condition within the available land though outside the red edge.

Other matters

21. It is to be noted that article 5 of the GPSDO(2015) states:

(5) The permission granted by Schedule 2 does not apply if—

(a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful;

22. Whilst no record of a planning consent for the existing building has been traced it has to be noted that the building has been in situ for in excess of 4 / 10 years. It has therefore become immune from enforcement action by passage of time.

23. As this is not a Planning Application there are no statutory Biodiversity Net Gain requirements to meet. The building is of a form and structure which is highly unlikely to accommodate bats. In the event of approval protected species informatives could be attached.

24. Again, in event of permission, issues of lighting could be addressed by condition.

CONCLUSION / PLANNING BALANCE

Primarily for reasons (1) of design appearance at odds with the location and surroundings the application is recommended for refusal; (2) living conditions of the occupiers due to proximity with the active farm yard and buildings, the application is recommended for refusal.

OFFICER RECOMMENDATION : Prior approval required and refused

Case Officer: Arne Swithenbank

Recommendation Date: 12.12.2025

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council