

Local Planning Authority Ref: DET/2025/0041
Planning Inspectorate Ref: 6004019
Ordnance Survey Ref: SK 044 490

Town and Country Planning Act, 1990

Section 78

**Statement by Staffordshire Moorlands District Council
in respect of the appeal by Mr Jon Imber of JMI Planning Limited
on behalf of Mr A Byatt (address c/o JMI Planning) against the refusal of an
application for prior approval under the GPDO (2015)
Schedule 2 Part 3 Class Q (DET/2025/0041) for
Conversion of an Agricultural Building to two Dwellings
on land at Far Lakes Farm, Shaw Wall Lane, Whiston ST10 2HS**

1. Introduction

- 1.1 This statement is made by Staffordshire Moorlands District Council in response to the appeal Mr Jon Imber of JMI Planning Limited on behalf of Mr A Byatt (address c/o JMI Planning) against the refusal of an application for prior approval under the GPDO (2015) Schedule 2 Part 3 Class Q (DET/2025/0041) for Conversion of an Agricultural Building to two Dwellings on land at Far Lakes Farm, Shaw Wall Lane, Whiston. The application for prior approval was received and made valid on the 8th October 2025. The application was refused by delegated decision on the 12th December 2025. A copy of the officer delegated decision report has been supplied earlier with the LPA appeal Questionnaire return.
- 1.2 The main focus of this statement will be to respond to the appellant's submissions and re-emphasise and where necessary clarify the LPA's reasons for refusal. It is not intended to repeat the contents of the LPA's decision report

and it is respectfully requested that the report be read in conjunction with this statement.

2. Main Issues

2.1 There were two refusal reasons, the first essentially given in response to the design appearance. The second refusal reason was concerned with the implications for the living conditions of future occupiers of the two dwellings owing to the close association of the development with its working farm setting.

2.2 Both reasons are contested by the appellant.

2.3 At paragraph 5.2 of the appellant's statement, issue is raised about the respective status of the Council's own Planning Policies as set out in the adopted Local Plan relative to those of Government as set out in the NPPF. The Council's refusal decision identifies conflict with specific policies of the Local Plan, along with conflict with the NPPF. The appellant comments that the LPA did not go on to specify which points from the NPPF are at issue. The appellant's view is that it is the policies of the NPPF which are to be taken into account "*as opposed to*" those of the Development Plan.

2.4 The appellant refers to paragraph W of Part 3 of Schedule 2 to the GPDO as being relevant to the process to be followed, and the Council agrees. Paragraph W is headed: Procedure for applications for prior approval under Part 3. Sub-paragraph (10) (b) of paragraph W states:

(10) The local planning authority **must**, when determining an application—

(b) **have regard** to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in July 2021 so far as relevant to the subject matter of the prior approval, **as if the application were a planning application** [bold emphasis added]; and... [(c) – not applicable in this appeal case].

2.5 It is not immediately apparent to the Council as to whether there has been an amendment to Paragraph W to take account of the more recent revisions of the NPPF which have superseded that of July 2021 (or indeed whether such an amendment would be necessary). However, the opening paragraphs 1 to 6 of the NPPF in July 2021 appear largely unchanged in the latest December 2024 version and paragraph 2, which the Council draws on here, is unaltered. This states:

Planning law requires that applications for planning permission be determined in accordance with the development plan², unless material considerations indicate otherwise³. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

2.6 The phrase: *‘as if the application were a planning application’* in procedure paragraph W(10)(b) is taken by the Council to mean that it is not only appropriate but indeed a requirement that in reaching a determination of the prior approval application the Council should take into account its relevant Local Plan policies – these being by definition part of the ‘development plan’ for the District. Whilst a permitted development prior approval notice is not a ‘planning application’ NPPF paragraph 2 reflects the primacy of Local Plan policies as against the NPPF status as a ‘material consideration’. Paragraph W leaves no doubt that the NPPF must be considered in the terms stated in W(10) (b). It does not *exclude* or prevent reference being made to the Council’s adopted Local Plan Policies.

2.7 Chapter 4 of the NPPF deals with ‘Decision Making’ and under the heading of ‘Determining Applications’ re-iterates at paragraph 48 that *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”*. The stipulation in paragraph W(10)(b) that the Council must have regard to the NPPF does not in any sense in the Council’s view suggest that the Local Plan

policies should not be considered. Indeed, the invocation to deal with the application as if it were a planning application seems in the Council's view to leave no doubt that the Local Plan policies should be taken into account, particularly when NPPF paragraphs 2 and 48 are considered. The only proviso is that the decision is to be reached paying regard, only, "*so far as relevant to the subject matter of the prior approval*".

2.8 For the purposes of this appeal and the two main issues under consideration the Council would contend that there are in any event no contradictions between the Council's adopted policies referenced in the decision and those from the NPPF that are relevant to the matters at hand.

2.9 The NPPF devotes chapter 12 to 'Achieving well-designed places'. Paragraph 131 states:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

2.10 Paragraph 134 advocates the use of locally prepared design guides such as the Council's publicly adopted Design Guide SPD (2018).

2.11 NPPF Paragraph 135 states as follows:

Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and

appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵¹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

2.12 The terms of the Class Q Permitted Development regime make it a ‘*Condition*’ of prior approval that a determination must be obtained from the LPA as to whether the prior approval of the authority will be required as regards items (a) to (g) of paragraph Q.2 (1). Item (f) concerns “*the design or external appearance of the building*”. The Council has thus legitimately and appropriately proceeded to assess matters of design appearance. As discussed above, in making the assessment, the terms require that any decision is reached paying regard to the NPPF as if the prior approval were a planning application.

2.13 The main thrust of the Council’s design argument in his case is that the mundane and utilitarian farm shed subject of this appeal is not a very suitable starting point for a well-designed dwelling in appearance terms and the appeal

scheme is unavoidably compromised by the form dictated by the existing building. The scheme attempts some redress by the proposed use of stone cladding over the concrete base walls and the addition of timber boarding above. These cosmetic revisions to the underlying materials cannot however address the basic building form.

2.14 Agricultural buildings put forward for prior approval can have a number of basic underlying forms. They may be stone with interior timber support structures; they may be steel portal framed and sheet clad either in timber or metal and / or with cement fibre boards; or less commonly similar cladding options may be encountered with 20thC timber support structures. Most typically they will have a dual pitched roof, relatively steep and traditional in the stone building versions, shallower in 20thC and more recent structures.

2.15 The shallow mono-pitched roof encountered here is less common. At c.5.8m high on its eastern edge and 14m in overall length the building has an imposing almost 'aggressive' stance due to the 'hard' roof edge of the mono-pitch.



Fig. 1

2.16 The addition of first floor windows, seen behind and potentially overtopping the hedge line, would draw significant additional attention to the building's east aspect. It would be turned from one that can perhaps be ignored as having an

'inactive' easterly aspect to one with much greater prominence with added sense of intrusion on the surroundings, made all the more out of keeping due to the inescapable oddity of the appearance when seen as a dwelling. For walkers along public footpath 51 the building converted to a dwelling would jar overtly with the attractive traditional nearby dwellings experienced in the course of passing along the route at Newfields Cottage and at Newfields Farm. The appellant's photo montage image (top right in the group of four) inserted into the 'proposed plans drawing fully illustrates the concern (see Fig.1 above).

2.17 Similar conflicts would be apparent in public views from footpath 50 which affords views overlooking the site as it approaches from the west.

2.18 The Council's contention on design in this appeal case is that the scheme does not "add to the overall quality of the area". Noting the NPPF points at (a) to (d) at paragraph 135 it is concluded that the appeal scheme does not represent good architecture – very particularly due to needing to utilise a mono-pitched roof as its starting point and the predictable visual impacts of doing so which would arise in the easterly aspect especially. It is not sympathetic to the locality and the established building tradition of the area as exemplified in close by neighbours and it would run strongly counter to the existing underlying sense of place.

2.19 The design concerns are moreover fully reinforced by the Council's adopted Design Guide (2018) – please see the extracts supplied with the LPA appeal Questionnaire return. As noted at 2.10 (above) the NPPF at paragraph 134 very much advocates the use of locally adopted design guides. NPPF 139 states:

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵⁴, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

2.20 The LPA does not see this scheme as reflecting local or national design policies nor does it regard the scheme as representing an outstanding or innovative

design and it does not in the Council's view raise the standards more generally in the area but in fact runs counter to such endeavours. The Council is striving to retain the area's building tradition in support of its wider area character and can ill-afford for this to be diluted or undermined.

Implications for occupier living conditions

- 2.21 This refusal reason stems from the recommendations of the Council's Environmental Health Officer out of concern that there is insufficient information provided to address the noise and odour impacts of the development and the suitability of this location for third party residential housing. Whilst it is not unusual to have a farmer-occupied dwelling within a farm environment this scheme encompasses two dwellings. Arguably an occupier restriction could be attached for one of the dwellings – though confusingly it said in the submissions that the appellant is winding down with a view to retirement. It is not apparent however what the basis might be for the second dwelling.
- 2.22 NPPF 136(f) references "*a high standard of amenity for existing and future users*" amongst matters to be ensured when development decisions are being made. Extracts from the PPG relevant to the question of suitability for residential use in a Class Q proposal are attached at appendix 1 to this statement.

3. Conclusion

- 3.1 In consideration of all of the above the inspector is respectfully asked to dismiss the appeal.

Staffordshire Moorlands District Council

03.03.2026

Appendix 1

What is meant by impractical or undesirable for the change to residential use?

Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would “not be sensible or realistic”, and undesirable reflects that it would be “harmful or objectionable”.

When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.

There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

When a local authority considers location and siting in this context it will not therefore be appropriate to apply tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant.

Paragraph: 109 Reference ID: 13-109-20150305

Revision date: 05 03 2015