
Appeal Decision

Site visit made on 14 April 2026

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 April 2026

Appeal Ref: 6004019

Far Lakes Farm, Shaw Wall Lane, Whiston ST10 2HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by A Byatt against the decision of Staffordshire Moorlands District Council.
 - The application Ref is DET/2025/0041.
 - The development proposed is 'conversion of agricultural building to two dwellings.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The decision notice refers to policies SS1, SS10, DC1, DC3, H1 and SD4 of the Staffordshire Moorlands Local Plan (LP) (adopted September 2020) with regards to the two reasons for refusal of prior approval. I note there is disagreement between the main parties as to the status of the development plan with regards to an application for prior approval.
3. However, the courts¹ have held that section 70 of the Town and Country Planning Act 1990 does not apply to an application for prior approval. As such, the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) do not require the decision maker to have regard to the development plan.
4. Section W(10)(b) of the procedure for applications for prior approval under Part 3 states that the local planning authority, or in this case the Secretary of State, must have regard to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
5. As such, the policies of both the development plan and Framework are material considerations insofar as they relate to the prior approval matters given as the reasons for refusal, but neither are determinative.

Main Issues

6. Schedule 2, Part 3, Class Q of the GPDO permits development consisting of a change of use of a building that is 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. This is subject to the

¹ R (oao Patel) v SSCLG & Johal & Wandsworth BC [2016] EWHC 3354 (Admin).

limitations set forth in section Q1 and conditions given in section Q2. Although there is some question of the age of the building, I note the Council does not dispute that it would accord with the limitations of Q1. As such, I am taken to the prior approval matters given in section Q2.

7. Based on the above, the main issues in this appeal are as follows:

- Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to dwellinghouses.
- The design or external appearance of the building.

Reasons

Whether Impractical or Undesirable

8. The appeal site is located within the yard area of a farm which also includes two other larger buildings and a caravan. The space between the two facing buildings and the appeal building to the south is used for vehicular access from Shaw Wall Lane to the northeast and leads to fields beyond the yard to the southwest. The two larger buildings were at the time of my site visit used to store machinery, trailers and other agricultural related items while they also appeared to have pens or enclosures for livestock. The appeal building appeared largely empty other than a couple of trailers.
9. I have had regard to the Planning Practice Guidance² (PPG) on the matter of whether the change to residential use would be impractical or undesirable. This includes where 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.
10. There is very little information before me on this matter. The appellant advises that the wider site would remain as a working farm and while potential future occupiers of the proposed dwellings may well expect a certain level of noise and disturbance in a location such as this, the location of the appeal site in such close proximity to the working yard area would be highly likely to be undesirable for future residents. In particular, the site plan shows that the track would be narrowed to accommodate the parking area of one of the dwellings which would mean heavy machinery would pass in very close proximity to the appeal site. This would likely subject occupiers to significantly harmful levels of noise, dust and general disturbance in close proximity.
11. Moreover, there is little before me to indicate what type of farming or other agricultural activities are carried out at the site. The PPG guidance, while not a closed list, references the storage of silage as undesirable which may be required depending on the livestock kept at the farm. Depending on the type of livestock kept at the farm, this could include the storage of silage in the adjacent buildings which would present a significant odour issue for residents.
12. While I am informed that the appellant is of retirement age and activities at the farm are winding down, I understand that a recent planning application for a rural worker's dwelling on the site was refused. This would have required justification for

² Paragraph: 109 Reference ID: 13-109-20150305

a dwelling for a rural worker would bely the assertion that activities would soon decrease at the site.

13. Given the lack of information before me, I cannot be satisfied that the proposal would ensure future occupiers of the dwellings would not be subject to undesirable living conditions with regards to noise, odour and general disturbance. Insofar as they are material considerations, this would also conflict with policies SD4 and DC1 of the LP and paragraph 135 of the Framework. These seek, among other things, to ensure that development protects the amenity of the area.

Design and External Appearance of the Building

14. The host building is positioned at the southwestern edge of the farmyard and is of rectangular shape with a mono-pitched roof. It is formed of a steel frame with concrete block base walls and corrugated metal sheeting to the upper walls and roof. The south elevation is largely open sided with a steel gate. The local area is overwhelmingly rural with large expanses of agricultural fields lined by stone walls and mature trees adding to the bucolic character. Built form is comprised predominantly of isolated farmsteads and detached buildings, which are generally of traditional form and constructed from red brick and stone.
15. The appeal proposal would see the host building converted into two dwellings with associated parking spaces and external amenity spaces enclosed by stone walls. The concrete base walls would be clad in the same stone as the garden walls while the metal sheeting would be covered in timber boarding. The large opening to the south elevation would be replaced by windows, while further fenestration and doors would be added to all sides. A first floor would be inserted to create additional living space while the roof form would be maintained.
16. The building as existing is described as mundane and utilitarian, particularly in its form. I would not disagree, although most modern agricultural buildings could be described in a similar way. The building as existing does little to add to the quality of the area but that was not its purpose when constructed. Its design is dictated by its function, and while the mono-pitched roof is somewhat unusual on an agricultural building, the conversion would see its use changed to a dwelling.
17. The mono-pitched roof would to my mind add visual interest to the dwellings, and rather than appearing 'aggressive' would, along with the materials, create a modern design which rather than seeking to poorly replicate the surroundings with a pastiche would appear standalone and separate from its agricultural origins. Moreover, there does not appear to be any dispute with regards to the proposed materials.
18. The addition of numerous openings would be a further departure from its utilitarian purpose but would add to the modern design aspirations. As this would not be harmful, I see no reason to hide the eastern elevation. Although this would be visible from nearby public rights of way, as I observed on my site visit, the proposed building, while not revolutionary in its design approach, would improve the appearance of the current structure and as a domestic structure would serve to differentiate from its former use and continued position adjacent the farmyard. Furthermore, due to the sporadic distribution of buildings in the area it would not be viewed in the immediate context of many of the more traditional dwellings in the locality.

19. Notwithstanding my conclusion on the issue of desirability of a dwelling in the location with regards to living conditions, I find that the design and external appearance would be acceptable and not harm the character and appearance of the area.
20. Insofar as they are relevant to this matter, this would accord with policies SS1, SS10, DC1, DC3 and H1 of the LP and paragraph 135 of the Framework. These seek, among other things, to ensure development proposals are of high quality and add value to the local area, incorporating creativity, detailing and materials appropriate to the area.

Conclusion

21. Although I have found no harm from the design and external appearance of the building, there is insufficient information regarding potential noise, odour and dust impacts on living conditions of potential future occupiers of the building. For the reasons given above, I conclude that the appeal should be dismissed.

C McDonagh

INSPECTOR