



Planning Statement

Proposal: Retention and conversion of former agricultural building to form a single Class C3 dwellinghouse.
Site: Barn at Green Acres, Tower Hill Road, Brown Lees, Stoke-on-Trent. ST8 6PA
Our Reference: 2510B_Planning Statement

Land Development and Planning Consultants Ltd. is a Rural Planning Practice based in Corsham, Wiltshire. The Practice was established in 1989 to provide advice and representation on the range of town and country planning issues relating primarily to the countryside, villages and the market towns of Wessex. Clients include individuals, developers, legal and land agencies, commercial and residential developers, local authorities and amenity groups.

Contents

- 1.0 Introduction
- 2.0 Context
- 3.0 Proposed development
- 4.0 Policy context
- 5.0 Planning assessment
 - Principle of development
 - Residential amenity
 - Highways
 - Drainage
 - Ecology
- 6.0 Concluding notes and planning balance

1.0 Introduction

- 1.1 Land Development and Planning Consultants Ltd. have been instructed by Mr Richard Mitchell, the freehold owner of the land and building adjacent to Green Acres, to prepare and present an application for conversion of the barn to form a single Class C3 dwellinghouse, together with the change of use of land from agriculture to residential use ancillary to the proposed dwelling.
- 1.2 The application, subject of this statement should be read in conjunction with the following plans and reports;
 - 1.2.1 T1523.01B Existing drawing and location plan
 - 1.2.2 T1523.02C Proposed floor plan
 - 1.2.3 T1523.03A Proposed elevations
 - 1.2.4 T1523.04C Proposed site plan
 - 1.2.5 T1523.05 Specification notes (for site plan)
 - 1.2.6 T1523.06 Landscaping notes (for site plan)
 - 1.2.7 Materials and concept imagery (illustrative)
 - 1.2.8 Structural Appraisal
 - 1.2.9 Preliminary Ecological Appraisal
 - 1.2.10 Biodiversity Net Gain Feasibility Report
 - 1.2.11 Biodiversity Net Gain Statutory Metric

2.0 Context

- 2.1 The subject site is located to the south of Tower Hill Road, Brown Lees, Biddulph. The road forms the development boundary of Brown Lees and the edge of the Green Belt, with the site falling within the designated Green Belt.
- 2.2 The application site is broadly square measuring some 33.0m by 62.0m, containing a single storey 'L' shaped barn, with blank walls to the northeast (roadside) and northwest elevations, opening onto small yard to the south. An existing access enters the site in the northeast corner off Tower Hill Road. Planning permission was granted for the building under reference SM92-633, subject to condition 5 which reads;
- 2.2.1 *'The building shall be used for agricultural purposes only including agricultural storage in connection with the holding shown on the attached plan'*
- 2.2.2 *'Reason; this site is in a sensitive area of the Green Belt where buildings other than for agricultural purposes are not normally allowed'.*
- 2.3 The '*attached plan*' was not produced by the LPA when a request for the decision notice was made.
- 2.4 Adjoining the site to the southeast is residential bungalow subject of an agricultural occupancy condition (AOC); an application was made under reference SMD/2019/0367 to remove the condition but was refused by notice dated 14th August 2019.
- 2.5 To the south is Meadowstile Farm, comprising Class C3 (Dwelling-house) and C2 (Residential institution) dwellings and small range of agricultural buildings.
- 2.6 Prior approval for conversion of the subject building to a dwelling under Class Q was sought under reference DET/2020/0054 but was refused by notice dated 29th December 2020. The two reasons for refusal may be paraphrased as;
- A) that the building was approved for agricultural purposes only and in the opinion of the Local Planning Authority (LPA) the existing use was non-agricultural, as

such, the building was unlawful and therefore did not benefit from permitted rights by virtue of article 3(5)(a) of the General Permitted Development Order (GPDO).

B) that the non-agricultural use of the building rendered conversion from agriculture to a C3 dwelling house contrary to the provisions of Class Q which requires that the building be used, or last used, for agricultural purposes.

3.0 Proposed development

- 3.1 The application now presented to Local Planning Authority requests Full planning permission for retention and conversion of the barn to a single dwelling house, change of use of land from agricultural to residential use and associated works.

4.0 Policy Context

- 4.1 The development plan for Staffordshire Moorlands and most relevant policies to development of the site comprise;
- 4.2 The Staffordshire Moorlands Local Plan 2014 – 2033;
- 4.3 Policy SS10; ‘Other rural areas strategy’
 - 4.3.1 Seeks to ‘*meet housing requirements and specific needs by*’ ‘*allowing conversion or replacement of an existing rural building in accordance with Policy H1*’.
- 4.4 Policy H1; ‘New housing development’
 - 4.4.1 ‘(5) *In other rural areas in the open countryside, only the following forms of housing development will be permitted*’;
 - ‘(d) *The conversion of rural buildings for residential use where the building is suitable and worthy in physical, architectural and character terms for conversion; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development for secure the future of heritage assets*’.
- 4.5 The Biddulph Neighbourhood Plan 2023 is silent with regard to the re-use of rural buildings.
- 4.6 The National Planning Policy Framework (2024)
 - 4.6.1 Para.84(c) supports ‘*re-use of redundant or disused building and enhance its immediate setting*’.
 - 4.6.2 Para.154(h)(iv) confirms that within the Green Belt the ‘*re-use of buildings provided that the buildings are of permanent and substantial construction*’ is not inappropriate development if the openness and purpose of the Green Belt is preserved.



4.6.3 Para.155 confirms that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where *‘the development would utilise grey belt land and would not fundamentally undermine the purposes’* of the Green Belt, and *‘there is a demonstrable unmet need for the type of development proposed’*.

5.0 Planning Assessment

Principle of development

- 5.1 The application site lies outside, but adjacent to the development boundary of Biddulph, in 'other rural areas' as defined under policy SS2 of the SMLP, and within the Green Belt. While new residential development in such locations is generally inappropriate, policy SS10 supports rural diversification in other rural area, and seeks to meet the housing requirement by 'allowing the conversion or replacement of an existing rural building in accordance with policy H1.
- 5.2 Policy H1(5)(d) confirms that housing development in other rural areas will be permitted through the conversion of rural buildings for residential use where the building is suitable and worthy in physical architectural and character terms. H1(5)(e) also supports residential development proposals which redevelop previously developed land provided it is not of high environmental value. Policy H1(6) further confirms that where the development is located in the Green Belt, national Green Belt policies will apply.
- 5.3 Clearly, policies SS10 and H1 of the SMLP provides a supportive policy context for the residential re-use of rural buildings, and thus the proposed development accords with the principles of sustainable development within the authority area.
- 5.4 Green Belt
- 5.5 Para.154(h)(iv) of the NPPF confirms that the re-use of buildings of substantial construction in the Green Belt is not inappropriate development. Given that the building is an established part of the built form within the Green Belt, the proposed re-use would not compromise the openness of the Green Belt nor undermine the purpose of the Green Belt in this location. Presented in support of this application is a Structural Appraisal of the existing barn which confirms that the building is of sound construction and condition, and that the building and its structure can adequately accommodate the works necessary to convert it to a residential use. Further commentary regarding the associated amenity space is set out under the heading of 'Landscape' below.

- 5.6 The development of homes in the Green Belt is further supported under para.155, where;
- A) '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.*
- B) 'There is a demonstrable unmet need for the type of development proposed;*
- C) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
- D) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.*
- 5.7 'Grey Belt' is defined in the NPPF Glossary 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. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development'.*
- 5.8 While 'previously developed land' excludes land last occupied by agricultural or forestry buildings, the application site is land that does not contribute strongly to a) restricting sprawl of a large built-up area; b) preventing merging of towns; or d) preservation of the setting and special character of a historic town. Neither is the site a Local Green Space, a National Landscape, a National Park, nor is it defined as a heritage coast, irreplaceable habitat or designated heritage asset. Equally, the site lies within Flood Zone 1. The application site therefore complies with the NPPF definition of grey belt where the development of homes is not inappropriate development.
- 5.9 Available data shows that Staffordshire Moorlands are currently able to demonstrate 3.58 years of Housing Land Supply, and therefore the presumption in favour of sustainable development is engaged and there is a demonstrable unmet need for housing in the authority area, in accordance with the requirement of para.155(b)

- 5.10 The application is location adjacent to the development boundary of Biddulph, and within 1km of general food shops, employment areas and schools. A regular bus service runs along Tower Hill Road into the town centre, and the character of the local highway network makes cycling a realistic mode of transport for day-to-day commuting. The location is highly sustainable in terms of para.110 and 115 of the NPPF.
- 5.11 Finally, in relation to para.155(d) the proposed development is not 'major development' and therefore the 'Golden Rules' are not applicable to the proposed scheme.
- 5.12 In conclusion, the proposed residential development is not inappropriate development and acceptable in principle within the Green Belt location.
- 5.13 Effect of condition 5 of SM92-633
- 5.14 In refusing prior approval under Class Q, the LPA have argued that condition 5 prevents any other use of the building, including through the GPDO. The matter of whether a condition can remove permitted rights or override the effect of the Use Class Order and section 55(2)(f) of the Town & Country Planning Act 1990 ('the Act') has been considered by the courts in various cases but is not relevant to the current full planning application.
- 5.15 Accepted authorities regarding the operation of conditions and exclusion of the GPDO are *Dunoon*¹ in 1992 and *Dunnett*² in 2016. *Dunoon* concluded that a condition must expressly reference the GDPO; the judgement of Vice-Chancellor Sir David Nicholls in *Dunoon* is notable;
- 5.16 *'of its nature, and by definition, a grant of planning permission for a stated purpose is a grant only for that use. But that cannot per se be sufficient to exclude the operation of a General Development Order. A grant of permission for a particular use cannot per se constitute a condition inconsistent with consequential development permitted by a General Development Order. If it did, the operation of General Development Orders*

¹ *Dunoon Developments Ltd. v SSE [1992] J.P.L. 936*

² *Dunnett Investments Limited v SSCLG [2016] EWHC 534 (Admin)*

would be curtailed in a way which could not have been intended. Thus to exclude the application of a General Development Order, there has to be something more’.

- 5.17 In the case of *Dunnett*, judges found in favour of the LPA, concluding that the condition in question did contain ‘*something more*’. The Court of Appeal (CA) judgement made a number of important findings;
- That as a matter of principle a planning condition can exclude the application of the GPDO.
 - Exclusion of the GPDO may be express or implied, but the grant of consent for a particular use cannot itself exclude the application of the GPDO. To do so ‘*something more*’ is required.
 - The ‘*something more*’ that is required to exclude operation of the GPDO is that words used in the relevant condition, taken in their full context, must clearly evince an intention on the part of the LPA to make such an exclusion.
- 5.18 In *Dunnett* the condition read: “*This use of this building shall be for purposes falling within Class B1 and for no other purpose whatsoever, without express planning consent from the Local Planning Authority first being obtained.*” This condition was held to be sufficient to exclude the GPDO. The CA focussed in particular on the words: “*without express planning consent from the Local Planning Authority*” and also “*and for no other purpose whatsoever,*” as showing the intention to exclude the GPDO, and in both instances upholding the decision of the judge.
- 5.19 The wording of condition 5 contains no similar wording. The original consent is expressly for an agricultural building, the condition does nothing more than re-iterate this fact and thereby applies to the Use Class Order and s55(2)(f) of the Act both of which serve to confirm that the use of land or buildings to purposes within the specified class, in this case agriculture, are not development. General Development Orders are distinct from the s55(2)(f) of the Act and the Use Class Order in that they permit development that would otherwise require formal consent. We therefore conclude that the application of the GPDO is acceptable in principle, notwithstanding

condition 5, and Class Q provides a clear 'direction of travel', demonstrating the Government's support for the residential re-use of rural buildings.

- 5.20 Equally, the condition does not prevent submission of a fresh planning application for an alternative use of the existing building, particularly as the reason given for the imposition of the condition as the erection of agricultural buildings and their re-use can now be acceptable under Green Belt policy. The grant of planning permission for residential conversion would open a new *planning chapter* for the site and not represent a breach of condition 5 of SM92-0633.
- 5.21 In conclusion, the principle of residential conversion of the subject building is supported by relevant local plan policies and the National Planning Policy Framework. The condition limiting the use of the building to agricultural storage does not compromise the ability for duly made planning application to be granted permission.

Residential amenity

- 5.22 The proposed dwelling will be single storey with principal living accommodation in the southwest wing, set away from the existing dwellings on the north side of Tower Hill Road and from Green Acres, also a bungalow, to the southeast. Two ground floor windows in the northeast gable of Green Acres look onto the driveway and flank wall of the proposed garage bay and with boundary planting will have no material impact on the residential amenity of the proposed dwelling.
- 5.23 The proposed dwelling will generate a modest number of daily traffic movements using the existing access in the northeast corner of the site adjacent to Green Acres. A consolidated, yet porous, surface to the driveway will ensure that the noise of traffic will be limited and have no material impact on the amenity of Green Acres.

Landscape

- 5.24 The building forms part of the established built form of the landscape in this location, set within a discrete site which will be formed by post and rail fencing and a native mixed species hedge enclosing an appropriately scaled garden area laid to grass, together with an access and turning area on the existing yard and access.

- 5.25 The curtilage will not extend beyond that of Green Acres with the remainder of the red line area given over the Biodiversity Net Gain mitigation. The modest garden and associated BNG mitigation will not compromise the openness of the Green Belt, nor the reasons for designation of the Green Belt in this location, and will be seen in the context of the existing residential gardens of Green Acres and Meadowstile Farm.
- 5.26 The proposed residential conversion will be undertaken within the existing envelope of the building, thereby retaining its scale, form and essential agrarian character. External materials and detailing, including vertical cladding and raise seam roofing will ensure the agricultural appearance of the building will be preserved, representing an entirely appropriate form and character of building within the landscape.

Highways

- 5.27 The existing access on the 30mph highway network has excellent visibility to the northwest and southeast, and northeast onto Newport Road. A new dwelling is assessed as generating around 8no. vehicle movements per day which will have no material impact on the capacity of the local highway network or highway safety in this location.

Drainage

- 5.28 Existing surface water is directed to field drains, ultimately to soakaway and a field ditch, the system has functioned effectively since erection of the building and formation of the external hardstanding. In addition, the proposals include a SUDS planter and a water butt to be installed to existing down pipes, as detailed in the specification notes, ref. T1523.05.
- 5.29 Also specified is a sewage package treatment plant, compliant with BS EN 12566 standards, to manage foul water from the proposed dwelling.

Ecology

- 5.30 Presented in support of the application, subject of this statement is a Preliminary Ecological Appraisal and Biodiversity Net Gain Feasibility Report by NewWays Ecology, which is commended to the LPA.

- 5.31 The PEA confirms that existing site is of low ecological value and that, through reasonable avoidance measures, potential impacts on protected species will be adequately mitigated.
- 5.32 The BNG assessment confirms that a minimum 10% BNG can be achieved within the red line area of the application site as part of the development proposals through the planting of 33m of native species hedgerow and enhancement of 0.0216ha of existing modified grassland in poor condition to a moderate condition grassland, through appropriate management.

6.0 Concluding notes and planning balance

- 1.1 The starting point for the determination of this application is the provisions of the Development Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the Plan unless material consideration indicates otherwise. The planning assessment above confirms that the development meets the tests of CP48 which accords with the NPPF as sustainable development and therefore should be granted planning permission without delay.
- 1.2 Below the harms and benefits of the proposed development are assessed adopting the following hierarchy of weight; Full > Substantial > Very Significant > Significant > Moderate > Limited > Very Limited > None.

Benefit	Harm	Notes	Weight
Delivery of a modest single dwellinghouse		In the absence of a 5yr HLS the development will contribute to local windfall housing supply through the re-use of an existing building, and by virtue of its scale it will be relatively affordable.	Substantial benefit
Enhancement of site and its setting		The development will result in investment and enhancement of a site and building now redundant to its original design purpose.	Significant benefit
	Traffic generation associated with residential use	Traffic generation from the proposed development will be comparable to that generated by its existing use and have no material impact on highway capacity or safety.	Very Limited harm
Amenity of existing residents		The residential use of the building will compliment the surrounding residential properties of Green Acres, Meadowstile	Moderate benefit

		Farm and the dwellings to the north and northeast of the site.	
Re-use of a substantial existing building, no longer required for its original purpose		The re-use of redundant buildings to meet housing needs is an inherently sustainable form of development supported at all tiers of planning policy.	Significant benefit
Contribution to unmet housing need		The development will make a modest contribution to the local housing needs.	Limited benefit
Contribution to local economy		Local trades and contractors will be employed on the project during construction and will be involved with future maintenance of the dwelling. Residents will make use of local services and facilities	Limited benefit

- 1.3 The proposed development accords with the relevant policies of the local Development Plan and national planning policy. Having assessed the weight that can be afforded the benefits and potential harms associated with the development proposals, we conclude that the benefits of planning permission significantly outweigh the adverse impacts of doing so.
- 1.4 It is trusted that the local planning authority will be able to support the application in its submitted form. The Applicant would welcome the opportunity to discuss in detail the proposals and to provide further information as required to enable a comprehensive assessment to be undertaken. Please contact the Agent at the earliest opportunity should such details be necessary.

