

DELEGATED DECISION REPORT

DET/2026/0028
Valid 21/08/2026

OAKLEYS FARM
LITTLE BLAKELEY LANE
FARM
BLAKELEY LANE
DILHORNE

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A PROPOSED
CHANGE OF USE OF
AGRICULTURAL BUILDING
TO A FARM SHOP /KITCHEN
/FARM OFFICE

(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)

MAIN ISSUES

- Compliance with GPDO(2015) as amended – Schedule 2, Part 3, Class R – agricultural buildings to a flexible commercial use
- When did the building come into being?
- Has the building been used solely for an agricultural use?
- Has this use been as part of an established agricultural unit as of 3rd July 2012 or any later relevant date?
- (i) transport and highways impacts of the development;
- (ii) noise impacts of the development;
- (iii) contamination risks on the site; and
- (iv) flooding risks on the site.
- The provisions of paragraph W (prior approval) as they apply in relation to this application.

DESCRIPTION OF SITE

1. The building made subject of this Class R notification comprises two elements constructed at different dates. The first and larger of the two elements had been constructed at least by 23rd April 2015 but is known not to have been present as of 25th April 2013. For the purposes of this report this building element subject of the notice will be noted as B1. It is approximately 18m x 9m (162m²) – though stated in the submissions as being 150m². It is finished externally in vertical timber boarding and has a wide roller shutter door positioned centrally on the north east elevation facing the yard.

2. The second element (B2) was first seen under construction in October 2016 (photo dated 25th October 2016). It is known from site photos that no site construction was present as of 7th October 2016 (see Figure 1). It remained only partially complete in January 2017 (photo evidence dated 06.01.2017 – see Fig.2). Referring to the building (noted here for the purposes of this report as B2) an Appeal Inspector's decision in response to an enforcement notice dated 30th January 2017 recorded at Decision paragraph 3: *"...the appeal is dismissed and the varied enforcement notice is upheld in respect of the partial erection of a steel framed building..."* This element of the building (B2) is approximately 12m x 9m = 108m². As with B1 this element of the building is also finished externally in vertical timber boarding although its two bays are entirely open to the yard on the north east-facing elevation. The building is 6.2m to the ridge and 4.75m to the eaves.



Fig. 1



Fig. 2

3. The site as put forward in this application for prior approval for change of use (Class R) is for a single whole building comprising the two elements as discussed above. It is stated overall as being 278m² in plan area on submitted drawing 5949 – 002.

4. Attached to the building is a relatively more recent lean-to across the full 9m width of the north west gable of B1. This lean-to building is currently in use as a retail shop. At a site visit by the LPA on 16th August 2024 this lean-to was in use as a log drying building. Warm air for the drying process was being piped from a stove in the adjacent rear corner of B1. On this date building B1 was otherwise in use as a general tool and equipment store and maintenance / repair workshop. Meanwhile, at the later date of an Enforcement Appeal Inspector's site visit on 14th April 2026, this attached lean-to building was found to have been converted into retail use as a shop. The Inspector commented in his decision letter (para 41):

The appellants contend that the farm shop is essential for the viability of the agricultural activities taking place on the site. During my site visit, there was a variety of goods sold in the shop. However, only a small proportion of this appeared to be produce directly sourced from the farming activities on the site. Whilst I note that this was only a snapshot in time, there is no evidence before me of where the goods sold are sourced from.

5. Little Blakeley Lane Farm has been operated as a mixed-use establishment over a number of years. The subject building(s) (B1 and B2) have been integral to the multiple mixed business operation at Little Blakeley Lane Farm throughout. In the 2017 Enforcement Appeal decision (referred to at para.2 above) the Inspector commented in the decision paragraph 10:

Since it appears to be agreed that the land is in this mixed use⁵, agricultural permitted development rights do not apply. It follows that there is no fallback position arising from agricultural permitted development rights because any building or hardstanding would need an express grant of planning permission.

PROPOSAL

6. The proposal is submitted on basis of being a permitted change of use as provided for under the heading of "agricultural buildings to a flexible commercial use" under Class R (a) (iv) Class E (commercial, business or service) of Schedule 2.

7. Specifically in this case the proposed use is as a "farm shop / kitchen / farm office". A 12 page planning statement has been submitted to accompany the application in addition to the application form and drawings:

5949-001 – Site Location Plan Class R Rev A;

5949-002 – Site Block Plan as Existing – Class R Rev A; and

5949-003 – Site Block Plan as Proposed – Class R.

8. The statement says at 2.2:

After submission of a notification to the council on the 31st of July 2026 for a 150sq/m building under the Class R permitted development legislation, this

prior approval application has been submitted to use the whole of the former agricultural building as a farm shop/kitchen/farm office.

9. The statement goes on to say at 2.3:

This revised submission will include the internal construction of a second storey element which will mean the floor area will measure approximately 420sq/m. A Class R notification for the first 150 metres has been submitted; this is to secure a commercial use on this site. This proposal to use the whole agricultural building has been submitted to ensure the commercial uses proposed can continue to function effectively from a premises of adequate proportions.

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
E1 New Employment Development
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework (17th Aug 2026)

Paragraph(s) 1 – 18; 3 – Decision making, policies DM1 to DM10; 4 – Achieving Sustainable Development, policies S3 to S6; 5 – Meeting the challenge of climate change, policies CC2 and CC3; [6 – Delivering a sufficient supply of homes, policies HO7 to HO13;] 7 – Building a strong, effective economy, policies E2 to E4; 8 - Ensuring the vitality of town centres, policies TC2 to TC4; [9 – Supporting high quality communications, policies CO1 and CO2;] 10 – Securing clean energy and water, policies W3 and W4; 11 – Facilitating the sustainable use of minerals, policies M3 to M6; 12 – Making effective use of land, policies L2 and L3; 13 – Protecting Green Belt land, policies GB6 to GB8; 14 – Achieving well designed places, policies DP3 and DP4; 15 – Promoting sustainable transport, policies TR3 to TR8; 16 – Promoting healthy communities, policies HC3 to HC8; 17 – Pollution, public protection and security, policies P2 to P6; 18 – Managing flood risk and coastal change, policies F4 to F9; 19 – Conserving and enhancing the natural environment N2 to N6; 20 – Conserving and enhancing the historic environment, policies HE4 to HE10. [Square brackets used to indicate policies not relevant to his case.]

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

Specific to the site of the Class R proposal building:

10. 12/01346/FUL [SMD/2012/1140] – Replacement agricultural building, extension to yard area and additional planting adjacent to the building to provide screening. APPROVED – NOT BUILT

11. SMD/2018/0249 – Retrospective application for the erection of a barn [specifically B2] – REFUSED

Enforcement Notices served – specific to the current prior notice site

12. [Building B2] SME/2016/00097 'A' (Appeal – 3170582) – change of use of land from an agricultural use to a mixed use consisting of (i) agriculture, (ii) the placing of shipping containers for storage on the Land; (iii) the storage of caravans

13. [Building B2] SME/2016/00097 'B' (Appeal – 3170728) – partial erection of a steel framed building and creation of hardstanding – partially allowed and varied/partially dismissed appeal 15/12/2017

A number of applications have been considered in relation to other land at Little Blakeley Lane Farm including:

14. SMD/2017/0815 – Erection of a polytunnel for rearing calves as shown and detailed on the drawing No. LBK AG 03 that was submitted with the application and the revised site and location drawing No. LBK AG 01 'A' that was submitted and received on the 12th February 2018 – approved – built

15. DET/2024/0021 – prior approval required (decision 15th July 2024) and refused (30th August 2024).

16. DET/2024/0052 – prior approval required and refused (23rd December 2024).

17. SMD/2025/0221 – Proposed erection of an agricultural building for livestock accommodation – refused (03.07.2025).

Other Enforcement Notices served

18. SME/2025/0008 A /Appeal 3374834 material change of use – appeal dismissed and notice upheld

19. SME/2025/0008 B /Appeal 3375060 operational development – appeal dismissed and notice upheld

CONSULTATIONS

Publicity

20. Consultation and publicity was initiated upon receipt of the notification but at the time of compiling this report responses have not been received.

OFFICER COMMENTS

Principle of Development

Development not permitted

21. **R.1** Development is not permitted by Class R if—

(a) the building was not used solely for an agricultural use as part of an established agricultural unit—

(i) on 3rd July 2012;

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

(iii) in the case of a building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins;

(b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 1,000 square metres;

(c) the site is, or forms part of, a military explosives storage area;

(d) the site is, or forms part of, a safety hazard area; or

(e) the building is a listed building or a scheduled monument.

Cumulative Floor Space

22. Stated at R.2 and R.3 are various conditions to be taken into account. Relevant to this application are the cumulative floor space limits as set out at Condition R.3.

23. R.3 (1) (a) establishes that where the cumulative floor space changing use under Class R does not exceed 150 square metres the developer must notify the LPA of (i) the date the site will begin its use under Class R; (ii) the nature of the use or uses; and (iii) a plan indicating the site and which buildings have changed use.

24. R.3 (1) (b) establishes that where the cumulative floor space of the building or buildings changing use under Class R within an established agricultural unit exceeds 150 square metres the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to transport and highways impacts; noise impacts; contamination risks and flooding risks.

25. The provisions of paragraph W (prior approval) apply in relation to the application. These state at W(3):

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.

26. The building subject of this prior notice application (the combined elements B1 and B2 as discussed above under Description) is stated in the application as 278m² on submitted drawing 5949 – 002.

27. As noted above under (8), the submitted planning statement refers at 2.2 as follows:

After submission of a notification to the council on the 31st of July 2026 for a 150sq/m building under the Class R permitted development legislation, this prior approval application has been submitted to use the whole of the former agricultural building as a farm shop/kitchen/farm office.

28. The applicant has separately requested (in the communication of 31st July and in subsequent follow up e-mails) that the LPA provide a response to their 'notification' letter.

29. The first main issue identified by the LPA is that the building subject of the 31st July communication in fact exceeds 150m². From the various plans and records available it can readily be seen to be of the order of 18m x 9m and therefore at least 162m² in area. A scale drawing was submitted with application reference SMD/2018/0249 in which B2 is shown to be 12m in length and 9m in width. In total the combined B1 and B2 is shown to be 30m in length. Subtracting 12m shows the remainder must equate to 18m thereabouts. These dimensions are corroborated by reference to high quality air photo images – see eg. Fig. 3 below where the overall length of 30m is shown together with a shorter length of 18m. The 18m figure corresponds with a colour shade difference in the roofing which marks the division between B1 (18m) and the more recently completed B2 (12m).

30. Moreover, the question of floor areas is further corroborated by other recent information from the applicant submitted in connection with a Premises Licence Application made under the Licensing Act (2003) covering B1. The applicant's submitted floor plan gives the internal area involved as being 60 feet x 30 feet and therefore 18.2m x 9.1m = 167m².



Fig. 3 – The measurement of 30m represents the building subject of this notice. The 18m relates to element B1 (separately subject to a notice by letter dated 31st July 2016).

Assessed against R.1 (a) (i) and the relevant date of 3rd July 2012

31. The building subject of this Class R Prior Notice was not present on 3rd July 2012. As noted above under Site Description a part of the building (referred to as B1) is known not to have been present as of 25th April 2013. A further part of the building that is subject to this notice (referred to above as B2) was not present as of 6th June 2015 nor as of 7th October 2016, 6th January 2017 and 30th January 2017. (See para. 2 above and Fig.1 and Fig.2 above.)

Conclusion

32. The combined single building put forward in this Prior Notice is not Permitted Development when assessed against **R.1 (a) (i)** as it has been found that no part of the building was present at the relevant date of 3rd July 2012.

Assessed against R.1 (a) (iii) and the relevant date of 10 years before the proposed coming into use under Class R

33. This notification (LPA ref DET/2026/0028) was received 21st August 2026. The earliest date it could be implemented as PD assuming it to be eligible (and unless the LPA were to give consent sooner) would be after 56 days from the submission date ie. 16th October 2026. Whilst part of the building (B1) is known to have been present at least by 23rd April 2015, it is known that B2 was not present as of 7th Oct 2016 nor was its construction sufficient to regard it as substantially complete as of 6th January

2017 nor 30th January 2017. Information has not been submitted to show when the combined structure subject of the notice (B1 + B2) became complete.

Conclusion

34. The combined single building put forward in this Prior Notice is not Permitted Development when assessed against **R.1 (a) (iii)** as it has been found that the building as a whole has not been present for the minimum required period of 10 years at the date of the notice (21st August 2026) nor will this be the case even after the passage of 56 days from the date of the notice.

Assessed against the requirement to have been used solely for an agricultural use as part of an established agricultural unit

35. It is fundamental to the terms of the Permitted Development under Class R that the subject building must be an 'agricultural building' which is a defined term at paragraph X of Part 3 of Schedule 2 to the GPDO(2015): *"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;*

36. As noted at para 21 above, development under Class R is specifically not permitted if the subject building was not used solely for an agricultural use as part of an established agricultural unit at the relevant dates set out at R.1.

37. The phrase 'established agricultural unit' is also a defined term at paragraph X as follows:

"established agricultural unit" means agricultural land occupied as a unit for the purposes of agriculture—

(a) for the purposes of Class R, on or before 3rd July 2012 or for 10 years before the date the development begins; or

(b) [N/A]

38. With no information submitted to the contrary the LPA must regard the planning unit at Little Blakeley Lane Farm as being the land marked by blue edge on the submitted site location plan (5949-001 rev A). The Inspector in the 2017 enforcement appeal decisions (see paras 12 and 13 above) regarded the premises at that time to be in mixed use and not chiefly agricultural and therefore not eligible to benefit from agricultural pd at that time – see para 2. More recently the LPA noted (see para 4 above) that the B1 part of the subject proposal building housed a heating stove or boiler feeding warm air through to an attached log drying store. This cannot be considered an agricultural use.

39. In 2025 the LPA issued enforcement notices, later upheld, against a range of non-agricultural uses at the premises, including the lean-to, though not B1/B2. Nevertheless it coincides with this period that the B1 part of the subject proposal building was essentially in use as a general tool and equipment store and maintenance / repair workshop (see 4 above) which evidently was serving the business as a whole. No other buildings were being used like this within the site and the non-agricultural business activities were for a time substantial. It can be recognised that the relative balance between agricultural and other business activities has varied to lesser and greater extents over the relevant 10 year time frame that must be taken into account

under class R but even acknowledging recent significant herd size increases, and the applicant's reported lessening of non-agricultural businesses, in the period of 10 years that must be taken into account since a date somewhere between end of April 2013 and end of April 2015 (in regard to B1 if considered on its own) the LPA is forced to conclude that the building was not used solely for an agricultural use as part of an established agricultural unit.

CONCLUSION / PLANNING BALANCE

40. No part of the proposal building was present on 3rd July 2012 which would be necessary for the proposal to qualify under **R.1 (a) (i)**. The building as a whole is shown not to have been present for the minimum qualifying period of 10 years as would be required under **R.1 (a) (iii)**. Even if these dates were met (which they are not) the proposal building could not in any event qualify for permitted development under Class R as the building has not been used solely for an agricultural use as part of an established agricultural unit in the time frames required. This would rule out B1 for example being considered in isolation. Although in a letter dated 31st July 2026, agents for the applicant informed the LPA of an intention to begin using B1 under Class R (from 1st September 2026 according to a follow up e-mail), on basis of the cumulative floor space of the building not exceeding 150m², it is found in the course of compiling this report that in fact B1 exceeds the size limit and therefore must be subject to paragraph R.3 (1) (b). It would be appropriate to write to the agent / applicant in order to inform them on that point separately from this decision.

41. As noted at para 25 above the provisions of paragraph W apply and W(3) allows the LPA to 'refuse' an application where (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. For the reasons concluded at para 40 this application should be refused on the three counts identified.

42. There is no requirement to go on to consider the matters given under W.(5) to W.(8) and W.(10) as paragraph W.(4) states that, where refusal is given based on W.(3), these paragraphs do not apply.

OFFICER RECOMMENDATION : That the prior notice be REFUSED

Case Officer: Arne Swithenbank

Recommendation Date: 09.09.2026

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council