

## DELEGATED DECISION REPORT

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**DET/2018/0005**  
**Valid 11/07/2018**

**MOSELEY HALL FARM**  
**ECCLES ROAD**  
**WHALEY BRIDGE**

**NOTIFICATION FOR PRIOR  
APPROVAL FOR A  
PROPOSED CHANGE OF USE  
OF AGRICULTURAL BUILDING  
TO 5NO DWELLINGHOUSES  
(CLASS C3)**

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

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### MAIN ISSUES

Whether or not the proposal can be determined under a “Class Q” Prior Notification application and if so:

- The transport and highways impacts of the development
- The noise impacts of the development
- The contamination risks on the site
- flooding risks on the site
- Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a residential use
- The design or external appearance of the building

### DESCRIPTION OF SITE

The site lies within the open countryside about a mile to the east of Whaley Bridge and is in the Green Belt. It comprises a large agricultural building which is part of Mosley Hall Farm which is accessed via a very long farm track off Eccles Road to the south. It is in remote location and the farm complex is surrounded by open land. There is a public footpath through the farm and also along the farm access road. The site is also within a High Risk Coal Mining Area.

### PROPOSAL

The application is a “Notification of Prior Approval” application for the conversion of the whole building into a row of five dwellings which would face one of the yards to the south (where a PROW also crosses). There would be no extensions but a number of windows would be added. No details of car parking or outdoor amenity areas have been provided. The building has been used for livestock and milking stalls on the ground floor and hay lofts at first floor. Each dwelling would have two-stories and have floorspaces of 189 sq.m, 189 sq.m, 177 sq.m, 99.4 sq.m and 99.4 sq.m. In total, 753.8 sq.m of residential floorspace would be provided.

## **RELEVANT LOCAL AND NATIONAL PLANNING POLICIES**

National Planning Policy Framework – Revised July 2018

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

DET/2007/0012: Prior approval under Part 6 for agricultural building. Approved and built.

DET/2014/0008. Prior approval under Part 6 for agricultural building. Approved and built.

DET/2018/0001. Prior approval under Part 6 for agricultural building. Approved.

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: 27.8.18

Neighbour consultation period ends: 27.8.18

Press Advert: N/A

### **Public Comments**

Three letters of objection received from local residents.

### **Town / Parish Comments**

Supports the application.

### **Local Highways Authority**

Objection raised due mainly to poor visibility at Eccles Road junction and conflict as access road is also a public footpath.

### **Environmental Health**

Objection raised on grounds of noise, nuisance, impact on residential amenity and contamination issues.

### **Derbyshire Wildlife Trust**

Requires an Ecology Survey Report

### **Conservation Officer**

Alterations are required to the works to the building.

## **OFFICER COMMENTS**

Changes to the GPDO in 2015 introduced into 'Part 3 – Changes of Use' a 'Class Q' development which allows the conversion of agricultural buildings into dwellings without the need to apply for full planning permission providing the criteria listed under Class Q are met. However, a "Notification of Prior Approval" application needs to be submitted instead and the Council must determine this against the material planning considerations listed above.

This particular proposal cannot be achieved under a Class Q Prior Approval application as it does not meet some of the criteria listed under Class Q (for applying for a Prior Approval determination rather than full permission) in the 2015 GPDO and its amendment in 2018.

A farm building can not be converted into residential use under the Class Q Prior Approval procedure if other development under Part 6 of the GPDO (Agricultural development) has taken place at the farm since 20<sup>th</sup> March 2013. There have been two such approvals for new farm buildings under this part since that date. There is a building to the west of the site which was definitely built since this date under a 2014 approval. There was an approval this year for a large building close to the entrance of the site access road but it is not certain if this has been built yet. Regardless of this, at least one building under Part 6 of the GPDO has been built at the farm since March 2013 and therefore the proposed conversion cannot take place under Class Q and a full planning application must therefore be submitted for the proposal.

Furthermore, the amount of floorspace to be converted into residential use exceeds the new limits set out in the 2018 amendment of the GPDO (under Part 3 Class Q).

Other concerns have been raised by environmental health, conservation officer and highway officer relating to contamination, design and appearance and access which would be relevant if it were determined that prior approval was required. However, given that the proposal does not meet the criteria for consideration under the Prior Approval process no further assessment of these matters have been undertaken

## **CONCLUSION / PLANNING BALANCE**

To conclude, the proposal cannot be implemented under the Class Q Prior Approval process as it does not meet the criteria set out in Part 3 Class Q of the GPDO and cannot be converted under "permitted development" without requiring the submission of a full planning application for planning permission.

**OFFICER RECOMMENDATION : REFUSE**

**Case Officer: Chris Johnston**

**Recommendation Date: 31.8.18**

X *B.J. Haywood*

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Signed by: Ben Haywood

**On behalf of High Peak Borough Council**