

Planning, Design and Access Statement

Change of Use of
Agricultural Building
to Dwelling
under Class Q of the
General Permitted
Development Order

Stubbins Farm, Chinley,
Derbyshire

February 2023

Document Control Sheet

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Table of Contents

1	INTRODUCTION	3
2	SITE DESCRIPTION AND PLANNING HISTORY	4
	Site Location and Description.....	4
	Relevant Planning History	4
3	THE PROPOSED DEVELOPMENT	6
4	ASSESSMENT AGAINST CRITERIA IN CLASS Q.....	10
	Transport and Highway Impacts.....	14
	Noise Impact.....	15
	Contamination Risks.....	15
	Flooding Risks on the Site.....	16
	Design and External Appearance	16
	Location and Siting of the Building.....	17
5	CONCLUSIONS	19

1 INTRODUCTION

- 1.1** Planning & Design Practice is a town planning and architectural design consultancy consisting of chartered town planners and an architectural design team. The practice operates across England and Wales and, with over 60 years combined experience in the team, the company has a long track record and an excellent record of success.
- 1.2** This application is submitted in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 No. 632 (as amended).
- 1.3** Class Q (a) of the above Order grants permitted development rights for the change of use of agricultural buildings and any land within their curtilage to dwellinghouses falling within Class C3 of the Use Classes Order. Class Q (b) allows any building operations reasonably necessary to convert agricultural buildings to dwellings.
- 1.4** This report has been structured to provide an introduction to the site and discuss its planning history. Details of the proposed development and the rationale for it; and an examination of the key planning issues to be considered.
- 1.5** Class Q requires that for proposals relating to the change of use of an agricultural building and its curtilage to a dwellinghouse, a determination should be made as to whether the prior approval of the local planning authority will be required, for the following:
- a) transport and highway impacts of the development;
 - b) noise impacts of the development;
 - c) risk of contamination;
 - d) flooding risks on the site;
 - e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwellinghouse;
 - f) the design or external appearance of the building, and;
 - g) The provision of adequate natural light in all habitable rooms.
- 1.6** This application is accompanied by the following documents;
- Existing plans and elevations;
 - Proposed plans and elevations;
 - Application form;
 - Structural Survey.

2 SITE DESCRIPTION AND PLANNING HISTORY

Site Location and Description

- 2.1 The application site consists of a piece of land north of Stubbins Lane, a single-track road and a public footpath.
- 2.2 The site is located in the open countryside approximately 0.5 miles from Chinley, which is defined as a 'larger village' under the settlement hierarchy outlined in Policy S2 of the High Peak Local Plan.
- 2.3 The site contains a large agricultural building constructed from concrete blocks, a profiled cement roof and is enclosed on three sides by profiled cement sheet walls. It benefits from an existing access point from Stubbins Lane which previously supported the building's former farming use.
- 2.4 To the north of the site is grassland and to the east of the building proposed for conversion, are two further vacant agricultural buildings (labelled as C and D in site plans) constructed with similar materials.



Figure 1 - Site Location Plan

- 2.5 The building is structurally sound and capable of conversion to a dwelling as confirmed by the accompanying structural report.

Relevant Planning History

- 2.6** The planning history for the site is listed below. Of particular relevance to this application is DET/2021/0020 which proposed the change of use of this agricultural building to a dwellinghouse. This was allowed at appeal after being initially refused by the Council (APP/H1033/W/22/3295929). The proposed development differs slightly from this previously allowed application but remains well within the parameters of a conversion. This will be discussed in more detail later in the report.
- 2.7** DET/2021/0020 – Change of use of agricultural buildings to dwellinghouse (C3) – Prior Approval Refused (10/02/2022) – *Appeal Allowed (15/09/2022)*.
- 2.8** HPK/2021/0256 – Application for variation of condition 2 regarding DET/2021/0003 (retrospective) – Planning permission refused (16/7/21).
- 2.9** DET/2021/0003 – Change of use of agricultural buildings to one dwelling house – Prior approval granted (09/04/2021).
- 2.10** DET/2020/0012 – The conversion of agricultural units to form 3 X dwellings under Class Q of The Permitted Development Order. The renewal of DET/2017/0010 and conversion of additional agricultural units to form a total of 3Nr dwellings. at Stubbins Farm Unnamed Road From Stubbins Lane To Tithe Barn Farm, Chinley – Prior approval refused (20/11/2020).
- 2.11** HPK/2020/0152 – Proposed conversion of an existing (now disused) agricultural barn into a single dwelling, to include parking and private garden space. – Planning permission approved (14/08/2020).
- 2.12** HPK/2017/0476 – Convert an existing agricultural barn into a single dwelling including parking and private garden space. – Planning permission refused (09/04/2019).

3 THE PROPOSED DEVELOPMENT

- 3.1** The proposal is for the conversion of an existing agricultural building to provide two residential dwellings with associated building operations reasonably necessary for the building to function as a dwelling. The barn that is the subject of this application already benefits from Class Q approval for the conversion into a single dwelling, therefore is already considered to be suitable for conversion.
- 3.2** The proposed design shows a minimalist design quality, making use of the existing concrete breezeblocks, profiled cement sheet walls and profiled cement roof.
- 3.3** The total gross internal residential floor space created by the conversion of the building are 102m² and 157m², with dwelling C benefitting from the addition of a first floor. These floor spaces are in accordance with permitted development legislation requiring that a class Q conversion of an agricultural building does not exceed a cumulative floor space of 450m².
- 3.4** The footprint of the existing building will remain unchanged at 238m². This demonstrates the building's compliance with Class Q conversion requirements outlined by permitted development legislation.
- 3.5** The site is not occupied under an agricultural tenancy and is not affected by any of the constraints set out in criteria (j) to (m) of Paragraph Q.1.
- 3.6** Class Q (b) of the GPDO allows building works reasonably necessary to convert the building to residential use. Paragraph 105 of the National Planning Practice Guidance has been updated on 15th June 2018 (ID 13-105-20180615) and clarifies the extent of building works permitted by Class Q (b). It states:

“The right allows either the change of use (a) or the change of use together with reasonably necessary building operations (b). Building works are allowed under the right permitting agricultural buildings to change to residential use: Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise

require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.

*For a discussion of the difference between conversions and rebuilding, see for instance the case of *Hibbitt and another v Secretary of State for Communities and Local Government (1)* and *Rushcliffe Borough Council (2)* [2016] EWHC 2853 (Admin).*

Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.”

3.7 The proposed development consists of the following building operations;

- Insertion of new windows and doors on the eastern and northern elevations;
- Partial infill of the southern elevation.

3.8 A structural report for the site states that the building appears to be constructed to a high standard and shows no signs of movement, which indicates that adequate foundations are present, and the building is suitable for conversion.

3.9 The combination of concrete blocks, a profiled cement roof and profiled cement sheet walls will be retained and provide the external cladding for the conversion. It will, however, be necessary to enclose the southern elevation with additional profiled cement sheet. The proposals satisfy all of the relevant criteria set out in Paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 No. 596. Details of the existing and proposed site layout are included with this submission.

- 3.10** The proposed plans maintain the existing access points and windows. New entrance doors to each property will be created on the eastern and southern elevations and where deemed necessary, additional windows have been included to adhere to fire safety and allow adequate natural light to any habitable spaces in accordance with GDPO Amendments No. 596 (2015) and 632 (2020).
- 3.11** The proposed layout allows for sufficient external amenity, two parking spaces situated to the west of proposed dwelling B and to the north for dwelling C.
- 3.12** The conversion of the building into 2 dwellings will require internal works of insulation and plaster-boarding to meet building regulations for energy efficiency (as would any barn conversion).
- 3.13** In addition to the external alterations to the building the following internal works will be undertaken, however these do not form part of this ‘development’ and are documented for reference only, these include;
- 3.14** Lining the roof and walls with a breather membrane for weatherproofing, the walls and roof will then be insulated inside of this, vapour barrier installed and plasterboard internal finish. The wall membrane will be taped and sealed to all openings in the building, effectively ‘sealing the building’ and making it water tight as well as air tight (as far as possible) for energy efficiency. A first floor will also be completed and will provide extra internal living space for dwelling C. This is the same approach taken with the previous proposals and were explicitly listed within the submission. The Inspector agreed that the works were within the scope of Class Q.
- 3.15** These internal improvements to the walls and roof cannot be defined as ‘*development*’ using the definition detailed by Section 55 (2) (a) of the 1990 Act and therefore do not require planning consent. As such, technical details on each internal improvement to a dwelling (or building) is not required as part of a planning application or prior approval application and is normally assessed in line with Building Regulations legislation.
- 3.16** In terms of the works required to allow the barn to function as two dwellings are considered, the works do not differ to the works that were approved at Appeal for application DET/2021/0020.
- 3.17** The approved scheme is shown below for reference. The alteration on the approved plan are highlights in green on the figures below;

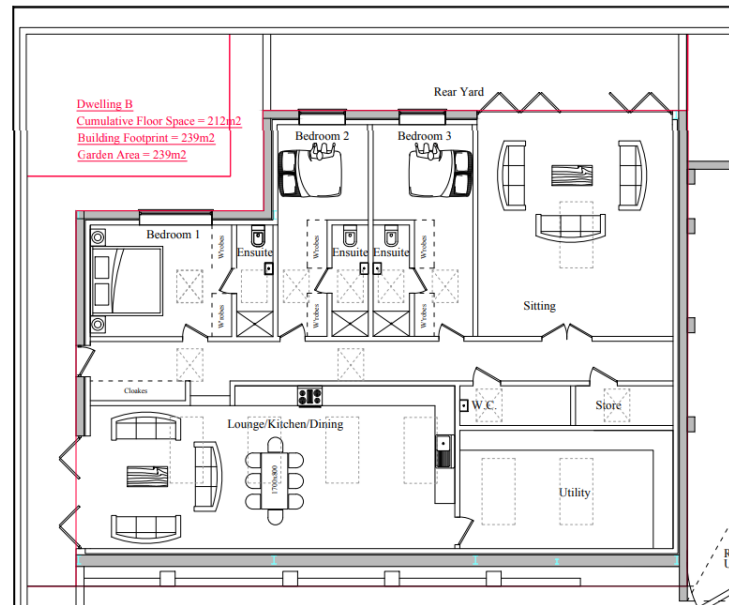


Figure 2 – Previously approved scheme (DET/2021/0020)

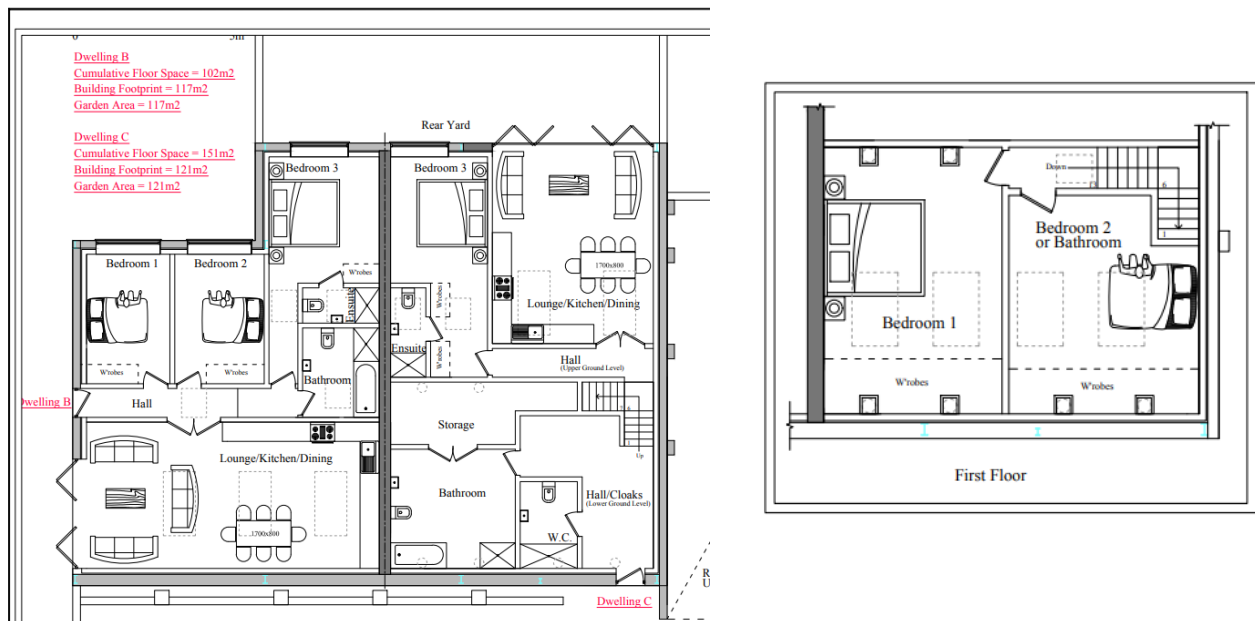


Figure 3 – Proposed internal layouts

- 3.18** The layout of the agricultural building has been altered to accommodate two dwellings rather than a large single one. The footprint of the unit remains the same. The proposed scheme includes a mezzanine area for dwelling C, to provide 2 further bedrooms, that were not included in the previously approved scheme.

4 ASSESSMENT AGAINST CRITERIA IN CLASS Q

4.1 The notification in question for this application is Class Q (a) and (b) of the General Permitted Development Order 2015 (as amended) which establishes the principle of the change of use of an agricultural building to a dwelling as well as dealing with the operational development matters

4.2 In accordance with Class Q (a) planning permission is deemed to exist for the change of use of a building and any land within its curtilage from use as an agricultural building to a use within C3 as a dwellinghouse and (b) those building operations are reasonably necessary to convert the building other than in the following circumstances;

4.3 *(a) the site was not used solely for an agricultural use, as part of an established agricultural unit on 20th March 2013, when it was last in use;*

The building was last in agricultural use and has been so since before 20th March 2013.

4.4 *(b) in the case of a larger dwellinghouse, within an established agricultural unit the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres.*

2 no. larger residential dwellinghouse are proposed as part of this application with a total floor space of 238m², which is within the 3 no. larger dwelling house and 465m² cumulative floor space limits.

4.5 *(c) in the case of a smaller dwellinghouse, within an established agricultural unit the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;*

Not applicable in this case.

4.6 *(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space*

having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

The site does benefit from other Class Q approvals, however this application seeks to utilise the barn as 2 dwellings rather than 1. 2 no. larger residential dwellinghouse are proposed as part of this application with a total floor space of 238m², which is within the 3 no. larger dwelling house and 465m² cumulative floor space limits.

- 4.7** ***(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;***

The site is not occupied under an agricultural tenancy agreement.

- 4.8** ***(f) less than 1 year before the date development begin an agricultural tenancy over the site has been terminated, and the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;***

This is not the case.

- 4.9** ***(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit since 20th March 2013; or where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;***

This is not the case.

- 4.10** ***(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;***

The proposed works would not extend beyond the existing parameters of the existing building at any given point, detailed on the plans which form part of this application.

- 4.11** *(i) the development under Class Q would consist of building operations other than the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse and partial demolition to the extent reasonably necessary to carry out building operations;*

“The right allows either the change of use (a), or the change of use together with reasonably necessary building operations (b). Building works are allowed under the right permitting agricultural buildings to change to residential use: Class Q of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.”

- 4.12** For a discussion of the difference between conversions and rebuilding, see for instance the case of *Hibbitt and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2853 (Admin).

“Internal works are not generally development. For the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.”

- 4.13** The structural survey that accompanies this application was completed by DAE Design Limited and outlines the current condition of the barn and makes an assessment on whether it is capable of accommodating the required alterations that are necessary for the barn to act as a dwelling.
- 4.14** The report concluded the results of the structural survey and confirmed that the structural frame of Building 'B' is in sound condition and as such is capable of being utilised for conversion to a domestic building. The Officer's report for the original application stated that the findings resulted in a rebuild. However, at Appeal the Inspectorate concluded that there was little reason to cast doubt over its findings (APP/H1033/W/22/3295929).
- 4.15** The application is accompanied by detailed elevation plans setting out the associated building operations which are considered to be reasonably necessary for the building to function as a dwelling house, in accordance with Class Q limitations. The proposed development consists of the following building operations:
- Insertion of new windows and doors on the eastern and northern elevations;
 - Partial infill of the southern elevation
- 4.16** The conversion of the building to form a single dwelling will require internal works including insulation and plaster-boarding to meet building regulations for energy efficiency. The updated guidance referred to above explicitly clarifies that internal works are not prohibited by Class Q.
- 4.17** Q.1(i) permits the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse and partial demolition to the extent reasonably necessary to carry out building operations.
- 4.18** With regard to the previously allowed application, the Inspectorate concluded that;

"As the majority of the building envelope would be retained and the other limited external works would be within the scope of works set out in Paragraph Q.1.(i)(i), I find that, subject to meeting the remaining considerations of Class Q and Paragraph W of Part 3, the building would be capable of conversion to a dwellinghouse without necessity for extensive new/re-build."

4.19 (j) the site is on article 2(3) land;

The site is not on article 2(3) land.

4.20 (k) the site is or forms part of a site of special scientific interest, a safety hazard area, or military explosives storage area;

The site does not form part of a site of special scientific interest, a safety hazard area, or military explosives storage area.

4.21 (l) the site is, or contains, a scheduled monument;

There is not a scheduled monument on site.

4.22 (m) the building is a listed building;

The building is not listed.

4.23 When having regard to the above, it is considered that the proposed development would constitute permitted development in respect of conditions Q.1 set within (a) of Class Q.

4.24 Notwithstanding the above, Paragraph Q.2 of the GPDO requires the local planning authority to assess the proposal solely on the basis of its impact in terms of transport and highways, noise, contamination, flooding, whether the location or siting of the building make it otherwise impractical or undesirable for the change of use and the design, the external appearance of the building and whether there is adequate natural light in all habitable rooms.

Transport and Highway Impacts

4.25 Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe”*.

4.26 The proposed site layout demonstrates that vehicles will utilise existing access on Stubbins Lane, leading to a track to the west of the building.

4.27 The proposal will create four new off-street parking spaces.

4.28 The proposal will not generate a significant change in vehicle movements and raises no major concerns regarding the impact on transport and highways.

Noise Impact

4.29 The site is in a rural location and its proposed use as a dwelling is unlikely to generate levels of noise that would significantly affect the residential properties to the south.

4.30 The officer's report from application DET/2021/0020 stated that the proposed use of a dwelling on the site would result in a lesser noise impact than the existing agricultural use. Environmental Health did not raise any objections on the previous application (DET/2021/0020).

Contamination Risks

4.31 The building has previously been used for agricultural purposes for many years and has a concrete floor and this will not be disturbed to enable the change of use. It is therefore unlikely that there have been any contaminants that would pose any risk to a sensitive end-use such as residential, as they would still be evident on the surface.

4.32 The Officer's report from the previous application stated;

"The Environmental Health response has recommended a suitably worded condition that addresses any potential concerns relating to land contamination. It is considered that subject to this condition, the application would be consistent with paragraph 183 of the NPPF and thus compliant with Paragraph Q.2(c)."

Flooding Risks on the Site

- 4.33** The Environment Agency's flood maps show the site as being within Flood Zone 1 where there are no significant or unacceptable risks to residential development from river flooding.

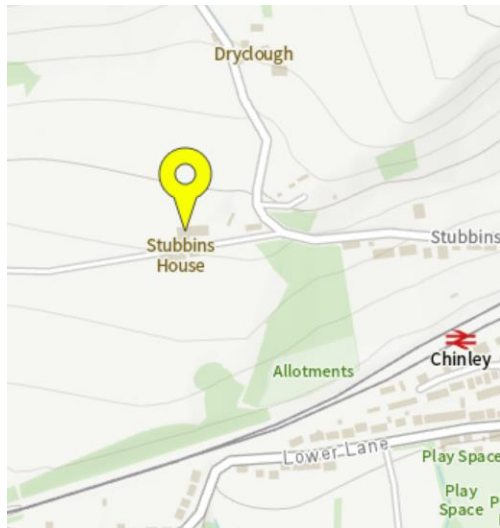


Figure 2 - Extract Environment Agency Flood Map

Design and External Appearance

- 4.34** The design and external appearance of the building has been kept to the minimum to retain the originality of the building, making use of the existing structure for conversion and maintains existing openings. The General Permitted Development Order is explicit in listing the external alterations that are permitted under Class Q (b) provided they are reasonably necessary for the conversion of the building into a dwelling. The proposed external works have been designed in accordance with these criteria, to retain the original fabric in its current position, whilst inserting new windows and external materials to support functionality of the building as a dwelling.
- 4.35** The proposed design retains the agricultural character of the building whilst adhering to the legislative framework established by Class Q (b). This has been achieved by providing only those external alterations reasonably necessary for the building to be converted into dwellings (the insertion of windows and doors). In turn, the alterations will benefit energy efficiency and living amenity by maximising the views from the property.

- 4.36** The existing building fabric will continue to provide the primary form, the proposed alterations are simply the introduction of windows and doors to the building and therefore constitute a conversion. The existing blockwork and cement sheet profiling will remain in place and will continue to define the external appearance of the building.
- 4.37** As the proposed plans do not increase the footprint of the development, the dwelling will be of an appropriate scale to the neighbouring barns and will not impact adjoining privacy.
- 4.38** The proposed design of the conversion requires modest changes improving the condition of the building to preserve the rural character of Stubbins Farm. This is compatible with guidance in Chapter 5 of the High Peak Design Guide, Extensions, Alterations and Conversions, that *“the guiding principle behind the design of any conversion should be that the character of the original building and its setting should be respected and retained”*.
- 4.39** The curtilage areas immediately adjacent to the dwellings will not be unduly prominent within the countryside as it will be viewed in the context of the existing buildings and given that the permitted development legislation allows for a curtilage area, this is to be expected.

Location and Siting of the Building

- 4.40** There is a degree of inevitability that agricultural buildings across the country will not usually be located in or immediately adjacent to existing settlements, hence they will rarely meet the normal locational sustainability tests.
- 4.41** This is acknowledged by Paragraph 108 (ID 13-108-20150305) of the National Planning Practice Guidance, which states *“the permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house”*.
- 4.42** Paragraph 109 (ID 13-109-20150305) provides an interpretation of what constitutes impractical or undesirable circumstances for a residential change of use. It confirms that *“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 it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval”.

- 4.43** The application site lies within a rural location. It is not in a position where the local planning authority would normally grant permission for a new dwelling, but the site is already close to a small number of existing residential properties situated along Stubbins Lane. Paragraph 108 of the NPPG makes it clear that location is not a sufficient reason to refuse prior approval. The site has a safe access to the public highway and is only 0.5 miles from Chinley Village, which is defined as a ‘larger village’ under the settlement hierarchy outlined in Policy S2 of the High Peak Local Plan.
- 4.44** The building is remote from any use’s incompatible with residential development. There are no hazardous or noisy activities operating on site.
- 4.45** The design of the proposed dwelling will mitigate the risk of any unacceptable impacts upon the amenities enjoyed by nearby dwellings.

- 4.46** For the reasons outlined above, the location or siting of the building does not make it impractical or undesirable for it to change from agricultural use to a use falling within Class C3 (dwelling houses) of the Use Classes Order.

5 CONCLUSIONS

- 5.1** The building was last in agricultural use and has been so since before 20th March 2013. The barn is structurally sound and capable of accommodating the alterations required to facilitate residential conversion.
- 5.2** The proposal satisfies the relevant criteria set out in Paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 No. 596.
- 5.3** The proposed conversion to 2 no. dwellings would not unacceptably impact upon the safe or efficient use of the highway network, would not give rise to any unacceptable noise impacts, would not increase flood risk and is not at risk from contamination. The building is sited in a relatively rural area but has an existing access to the highway network.
- 5.4** The proposed dwellings are not situated in close proximity to any other uses which are incompatible with residential use. Residential use is not therefore impractical or undesirable in this location.
- 5.5** The external alterations to the building in this scheme have been sensitively designed to respect the traditional agricultural character of the existing building and its rural surroundings and consist of the insertion of new windows and doors, and the enclosure of the southern elevation, to provide a functional but attractive living environment. They are reasonably necessary for the building to function as a dwelling.
- 5.6** The proposed development therefore constitutes permitted development under Class Q of the GPDO.



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