

DELEGATED DECISION REPORT

DET/2023/0002
Valid 02/03/2023

HIGHWOOD FARM MELLOR
ROAD
NEW MILLS

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A PROPOSED
CHANGE OF USE FROM
EXISTING AGRICULTURAL
BARN TO A
DWELLINGHOUSE.

(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)

MAIN ISSUES

Whether the proposed change of use complies with all relevant parameters set out under Schedule 2, Part 3, Class Q, Paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO)

- Whether Prior Approval is required with regard to:
 - a) Transport and Highways
 - b) Noise impacts
 - c) Contamination risks
 - d) Flooding risks
 - e) Whether the location of siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3
 - f) Design or external appearance of the building
 - g) the provision of adequate natural light in all habitable rooms of the dwellinghouse

And if Prior Approval is required, whether it is granted

- Other matters to consider under the provisions of Paragraph W

DESCRIPTION OF SITE

The application relates to a large detached barn constructed in stone with slate tiled roof that lies immediately south of Highwood Farm, Mellor Road, New Mills in the open countryside and in the Green Belt.

The barn has a rectangular form which is orientated with the gable ends facing east-west, both characterised by a cat-slide roof. The existing barn is well contained by dry stone walls that separates it from open agricultural land to the south. Direct

access to the site exists from the public highway, which runs in a north-south direction to the west.

The site has recently been subject to two recent applications to change the use of the existing building to a dwellinghouse. The first was a full planning application which was withdrawn. The second was a Prior Notification submitted under Schedule 2, Part 3, Class Q of the GPDO which was refused on four grounds which relate to matters of procedure and an lack of information and detail.

PROPOSAL

This Prior Notification application has been submitted under Schedule 2, Part 3, Class Q of the GPDO for the change of use of the existing agricultural building to a single residential dwellinghouse.

The block plan shows that the site contains an area allocated for parking and turning and a small area of domestic curtilage, created by the erection of a field wall that joins up the existing wall to the east and west of the building.

The Floor Plans show the resultant dwellinghouse to be two storey, which as a result of changes to the southern elevation which removes unsympathetic tin roof outriggers contains and external yard area as part of its curtilage. The ground floor contains shared communal living areas, with 4no. bedrooms contained at first floor level.

Further to discussions with the applicant to address outstanding matters, the following plans and documentation make up the application, which are the subject of assessment within this report:

Plans

- Revised Location Plan A
- Revised Block Plan (Ref: MC-11AA)
- Proposed Ground Floor Plan (Ref: MC-06AA)
- Proposed First Floor Plan (Ref: MC-07A)
- Proposed South Elevation (Ref: MC-08A)
- Proposed North Elevation (Ref: MC-09A)
- Proposed East and West Elevations (Ref: MC-10A)
- Sightlines (Ref: MC-12A)

Documents

- Completed Application Form
- Supporting Statement
- Day Time Bat Survey (dated May 2022)
- Structural Survey

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2022/0367	Change of use of agricultural building to a dwelling under class Q of the General Permitted Development Order (Withdrawn 26/09/22)
DET/2022/0014	Prior Approval for Change of use of agricultural building to a dwelling under class Q of the general permitted development order (Refused 18/11/22)

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Paragraph W sets out the procedure for any prior approval application under Schedule 2, Part 3 of the GPDO. Paragraph (10) states that the local planning authority must, when determining an application have regard to the National Planning Policy Framework, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

Revised National Planning Policy Framework 2021

Achieving Sustainable Development	Chapter 2
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12
Meeting the Challenge of Climate Change	Chapter 14
Conserving and Enhancing the Natural Environment	Chapter 15

CONSULTATIONS

Publicity

Site Notice expiry date: N/A
Neighbour consultation period ends: 23/03/2023
Press Advert: N/A

Public Comments

None received

New Mills Town Council Comments

No objection.

DCC Highways

No objection.

Environmental Health

No comments received in relation to this application. Comments received in relation to previous application under DET/2022/0014 stated that there are no objections subject to appropriate conditions.

Derbyshire Wildlife Trust

No comments have been received in connection with this application. However, the same Bat Survey prepared by Rachel Hacking Ecology has been submitted with this application, which was subject to review by Derbyshire Wildlife Trust under DET/2022/0014 which confirmed that there are no objections subject to appropriate conditions.

OFFICER COMMENTS

1. Whether the proposed change of use complies with all relevant parameters set out under Schedule 2, Part 3, Class Q, Paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO)

In order to be permitted, the proposed development must demonstrate compliance with all relevant criteria set out under Paragraph Q.1. An assessment of this proposal against such criteria is carried out below:

Q.1 Development is not permitted by Class Q if –

- (a) the site was not solely used for an agricultural use as part of an established unit –**
 - (i) on 20th March 2013, or**
 - (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 site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins**

Paragraph X contains the interpretations for Part 3 of the GPDO. An “established agricultural unit” means agricultural land occupied for the purposes of agriculture and “agricultural building” means a building used for agriculture and which is so used for the purposes of a trade or business; “agricultural use” refers to such uses.

At the request of Officers, the applicant has submitted a Title Plan showing the land contained within the agricultural holding, and stated the following with an email dated 24/04/2023:

“I can confirm that High wood farm was an active farm with cattle, sheep and horses. After Mr. Race senior died the farm animals were sold off, Mrs Race still lives at the farm and there are people who rent out land for their horses. Mrs Race's sons Paul and Will purchased the barn to provide income for Mrs, Race.

The barn was used for hay storage, the stalls were where the cattle were to house and be milked.

The barn ceased to function as a barn and stalls around 20th March 2013 but continued to be used to store agricultural equipment, now redundant. The barn is structurally sound and capable of accommodating the alterations required to facilitate residential conversion.”

In light of the above and given the strong spatial and visual relationship between the barn and Highwood Farm buildings to the north, and the existing layout and visual characteristics of the building and its relationship with surrounding hard standing and agricultural land, it is considered that the last use of the building was clearly agricultural in connection with an established agricultural unit.

The application is thus considered to be compliant with Paragraph Q.1(a).

(b) in the case of -

(i) a larger dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(bb) 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

The Application Form states that 1no. larger dwellinghouse would be created as a result of the proposed change of use. The Floor Plans submitted with the application show that the total floor area of the resultant dwellinghouse is 190 square metres.

The Block Plan in its revised form shows that additional curtilage will be created in the form a Parking and Turning Area which has a total area of 175 sqm. The yard area originally shown has been omitted, with the red line tightly drawn around the building.

The permission under the GPDO allows for the change of use of a building and any land within its curtilage to a Class C3 use. The definition of curtilage is provided within Paragraph X which provides interpretation of development under Part 3.

Under paragraph X, “curtilage” is defined as:

a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or

(b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser

The existing building is adjoined by land which is partially enclosed and partially unenclosed but closely associated with the building. However, the existing building occupies an area of 280sqm (including elements to be demolished). Any curtilage or land sought for change of use should therefore be no greater than 560sqm.

The revised Block Plan shows clearly that the resultant building has a floor area of 190sqm, the parking and turning area having an area of 175sqm, with a combined total of 395sqm.

In its revised form, it is concluded that the proposal is compliant with Paragraph Q.1(b).

(c) in the case of—

(i) a smaller dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) 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

(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—

(i) 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;

(ii) 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 application would create a single (1no.) dwellinghouse that has a total floor area of 190sqm (XX sqm), with the parking and turning area having an area of 175sqm, with a combined total of 395sqm, and is therefore considered to comply with Paragraph Q.1(d).

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

The Application Form has clearly stated that the site is not occupied under an Agricultural Tenancy. The Local Authority must treat details contained within an Application Form at face value given that the applicant has signed a declaration as part of the submission.

As such, it is considered that the proposal is compliant with Paragraph Q.1(e).

- (f) less than 1 year before the date development begins—**
 - (i) an agricultural tenancy over the site has been terminated, and**
 - (ii) 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**

The application form indicates that the site has not had an agricultural tenancy terminated. The development thus complies with Paragraph Q.1(f).

- (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 –**
 - (i) since 20th March 2013; or**
 - (ii) 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**

At the request of Officers, the applicant has submitted a Title Plan showing the full extent of the Agricultural Holding associated with Highwood Farm, which extends south-eastwards.

A full review of the planning history associated with all areas of land covered by the holding confirms that no previous development has occurred which has benefited from Part 6 of the GPDO and as such the application is compliant with Paragraph Q.1(g).

- (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 submission indicates that the proposals would not result in the external dimensions of the building exceeding the external dimensions of the existing building. The proposed development is therefore compliant with Paragraph Q.1(h).

- (i) the development under Class Q(b) would consist of building operations other than—**
 - (i) the installation or replacement of—**
 - (aa) windows, doors, roofs, or exterior walls, or**
 - (bb) water, drainage, electricity, gas or other services,**

to the extent reasonably necessary for the building to function as a dwellinghouse; and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i)

The application has been accompanied by a Structural Survey (Rev A) dated April 2022 prepared by John Jordan Consultants.

The survey makes the following conclusions:

- The building is in a fair condition overall and does not appear to be outside of the potential for redevelopment in line with the proposed scheme
- Some structural works are likely to be required including the following non-exhaustive list:
 - o Repointing to masonry as necessary;
 - o Damp-proofing and tanking works as deemed necessary
 - o Treatment of any timber decay, dry rot etc. as determined by specialist
 - o Any works to manage presence of any asbestos

At the request of Officers, the applicant has submitted a Schedule of Works that would be required to complete the conversion to a residential dwelling, which states the following:

- *It is proposed to convert the existing agricultural building on the applicant site to create a single dwelling, together with associated building alterations. No extensions to the building are proposed.*
- *There have been no previous dwellings at the agricultural holding known as High wood Farm developed under Class Q permitted development rights.*
- *The site is not occupied under an Agricultural Tenancy, and is not affected by any of the constraints identified in criteria (j) to (m) of Paragraph Q.1.*
- *The proposal involves the removal of derelict attached lean-to buildings to the South East corner of the building to expose the original barn.*
- *All windows will be replaced with timber frames and double glazed units, dimension will remain as existing.*
- *All doors will be timber hard wood frames and four with double glaze units, Conservation roof lights will provide additional light to the first floor and entrance hall/lobby.*
- *It is proposed to retain the current roof covering.*
- *Elevations and roof covering will be insulated internally to meet the requirements of the building regulations.*

- *A fully insulated concrete base will be installed on the Ground Floor*
- *A new First Floor utilising existing materials so far as is practicable
Parking for No.3 cars.*

In assessing whether a proposed development is compliant with Paragraph Q.1(i), an LPA must have regard to a High Court Judgement *Hibbit and Another v Secretary of State for Communities and Local Government* [2016] EWHC 2853 (Admin) by Mr Justice Green. This Judgement was a landmark case for this type of application and is considered to be an important material consideration in the determination of this application.

Essentially, the judgement made a clear distinction between what works go beyond what can reasonably be defined as the 'conversion' of a building and amount to the 'rebuild' of the original structure.

In this case, the building is a traditional stone barn with slate tiled roof that both structurally and architecturally, is appropriate for conversion. The proposed change of use works with the shell of the existing building, removing unsympathetic aspects on the southern elevation, which includes all existing openings.

Based on the Structural Survey and Schedule of Works submitted by the applicant, it is accepted that in this case, the works to the building that are required to facilitate the proposed dwellinghouse do not go beyond those that are reasonably necessary, having regard to the *Hibbit Judgement*. As such, the application is considered to comply with Paragraph Q.1(i).

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

The site does not lie within article 2(3) land, the development therefore complies with Paragraph Q.1(j).

(k) the site is, or forms part of—

- (i) a site of special scientific interest;**
- (ii) a safety hazard area;**
- (iii) a military explosives storage area;**

The site is not and does not form part of a SSSI, safety hazard area or military explosives storage area. The development complies with Paragraph Q.1(k).

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

The site is not or does not contain a scheduled monument. The development complies with Paragraph Q.1(l).

(m) the building is a listed building.

The building is not a listed building, the development complies with Paragraph Q.1(m).

2. Whether Prior Approval is required with regard to:

- a) Transport and Highways**
- b) Noise impacts**
- c) Contamination risks**
- d) Flooding risks**
- e) Whether the location of siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3**
- f) Design or external appearance of the building**
- g) the provision of adequate natural light in all habitable rooms of the dwellinghouse**

and the provisions of Paragraph W (prior approval) of this Part apply

An assessment of the application has found that the proposed development complies with all relevant parameters contained under Paragraph Q.1 in light of additional supporting information and revised plans, and constitutes permitted development, subject to consideration of all prior approval matters.

(a) Transport and Highways

Chapter 9 of the NPPF contains relevant national policies relating to transport. Paragraph 110 of the NPPF states that in assessing applications for development, a safe and suitable access to the site should be achieved for all users. Paragraph 111 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The site benefits from direct access to the public highway and includes sufficient space for the parking of 3no. off-street parking spaces and associated turning area to allow vehicles to exit the site in a forward gear. The application has been supported by a 'Sightlines' plan (Ref: MC12A). The application as a whole has been reviewed by the County Highways Authority who have confirmed that they have no comments to make and have not included any recommended conditions.

As such, Prior Approval is not required with regards to Transport and Highways impacts.

(b) Noise Impacts

Paragraphs 183-185 of the NPPF state amongst other things that decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution and health. This includes mitigating and reducing to a minimum potential adverse impacts resulting from noise.

The site is relatively isolated and not surrounded by any land uses that would be adversely harmful to future occupiers of the building.

Whilst no comments have been received from Environmental Health in connection with this application, comments were received in connection with the previously refused Prior Notification application under DET/2022/0014, which raised no objections subject to appropriate conditions.

Based on the above, Prior Approval is not required with regards to Noise Impacts.

(c) Contamination Risks

Paragraph 180 of the NPPF states that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land stability and contamination.

Whilst no comments have been received from Environmental Health in connection with this application, comments were received in connection with the previously refused Prior Notification application under DET/2022/0014, which raised no objections subject to appropriate conditions.

Based on the above, Prior Approval is not required (subject to appropriate conditions) with regards to Contamination Risks.

(d) Flooding Risks

Chapter 14 of the NPPF sets out the relevant national planning policies for climate change and flooding, requiring proposals to be located where it would not result in any increase in flooding on site or elsewhere in the locality.

The site is not situated within a Flood Zone as defined on the Environment Agency's Flood Risk Map and as such the proposal would not result in any harm with regards to an increase in flood risk, either on site or elsewhere in the District, thereby demonstrating compliance with Paragraph Q.2(d).

(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 use falling within Class C3

The existing agricultural building is located outside of the built-up area boundary in the open countryside in a relatively isolated location with regards to services, facilities, and would be reliant on a private vehicle to access these day-to-day amenities.

Whilst the location is considered to be unsustainable with regards to everyday services and facilities, is this typically common for barn conversions on rural farmsteads, and in its own right does not warrant a reason for refusal.

The relationship with the proposed dwellinghouse and the nearest neighbouring property to the north, (Highwood Farm), is such that there would be no direct views

between habitable windows, with this boundary being defined by a large degree of natural vegetation, which screens intermittent views.

In light of the above Prior Approval is not required with regards to the location or siting of the building.

(f) Design or external appearance of the building

Paragraph 130 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

Paragraph 133 goes on to state that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

The High Peak Design Guide SPD provides useful guidance for new development in the rural open countryside and the conversion of non-residential buildings.

Chapter 5 of the Design Guide SPD relates to Extensions, Alterations and Conversions. With regards to conversions, paragraph 5.15 states 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, meaning that in most cases, the barn, mill or chapel should afterwards look like a converted barn, mill or chapel, and not like a new house.

The existing agricultural building conveys a traditional relatively attractive architectural style that has the desirable characteristics of a high quality conversion.

The proposed development would see no additions to the shell of the building and would enhance the immediate character and appearance of the building and its wider rural setting by removing the rather unsympathetic outriggers on the prominent southern elevation characterised by flat tin roofs, revealing the original elevation of the barn.

The existing windows and openings on the building are integrated into the proposed development. The exception to this is the introduction of new and replacement rooflights. Whilst the vast majority of the design and external appearance of the building is acceptable, Officers consider that Prior Approval is required with regards to the number, scale, and specific design of these rooflights, and materials to be used in fenestration more generally.

As such having regard to relevant paragraphs under Chapter 12 of the NPPF, and relevant Supplementary Design Guidance, Prior Approval is required with regards to the design and external appearance of the building, and further details are required in this regard.

(g) the provision of adequate natural light in all habitable rooms of the dwellinghouse

Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

The Floor and Elevation Plans submitted shows that every habitable room would be served by a window with the exception of Bedroom no.4.

The Elevation Plan shows the provision of larger conservation rooflights that would replace existing rooflights. Notwithstanding comments made in connection with the appropriateness of these rooflights with regards to quantity and design, Prior Approval is required in relation to the amount of natural light serving bedroom no.4, in the form of more detailed plans.

Prior Approval is therefore required in connection with the provision of adequate natural light in all habitable rooms.

3. Other matters to consider under provisions of Paragraph W

Sub heading (9) to paragraph W states that the local planning authority may require the developer to submit such information as the authority may reasonably require in order to determination, which may include (a) assessments of impacts or risk, and (b) statements setting out how impacts or risks are to be mitigated.

Sub heading (10) states that when determining the application, the local authority must (a) take into account any representation made to them as a result of any consultation, and (b) have regard to the National Planning Policy Framework so far as relevant to the subject matter of prior approval.

Chapter 15 of the NPPF contains the relevant planning policies which relate to conserving and enhancing the natural environment, which includes the protection of protected species. In particular paragraph 175 states that “when determining applications, if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, then planning permission should be refused.

The application has been accompanied by a Day Time Bat Survey (dated May 2022) prepared by Rachel Hacking Ecology that was also submitted with the recently refused application under DET/2022/0014.

Whilst no comments have been received from Derbyshire Wildlife Trust in relation to this application, they had previously reviewed this document which remains up-to-date being less than 12 months old.

Subject to relevant conditions, it is considered that matters relating to ecology and protected species have been satisfactorily addressed in accordance with relevant paragraphs under Chapter 15 of the NPPF.

CONCLUSION / PLANNING BALANCE

This Prior Approval application has been submitted under Schedule 2, Part 3, Class Q of the GPDO for the conversion of an existing agricultural building to a single 4no. bedroom residential dwelling with associated curtilage including parking and turning area.

An assessment has concluded that the proposal complies with the relevant parameters set out under Paragraph Q.1 and is therefore permitted notwithstanding matters of Prior Approval.

Prior Approval has been judged to be required with regards to the design and external appearance of the building, specifically details regarding materials and fenestration. As such, it is recommended that Prior Approval is Required and Granted subject to appropriate conditions.

OFFICER RECOMMENDATION : Prior Approval Required and Granted

Case Officer: James Stannard

Recommendation Date: 26th April 2023

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council