

DELEGATED DECISION REPORT

DET/2025/0007
Valid 25/04/2025

HIGH BARN BRIARGROVE
ROAD
BIRCH VALE

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A PROPOSED
CONVERSION OF BARN TO
DWELLING

(CHANGE OF USE PRIOR
APPROVAL - AGRICULTURAL)

MAIN ISSUES

- Whether the proposed change of use satisfies the criteria under paragraph Q.1 of Schedule 2, Part 3, Class Q of the General Permitted Development Order (GPDO).
- Whether Prior Approval is required and if so, is the proposed change of use acceptable with regards to the issues set out within Paragraph Q.2, including matters to consider under the provisions of Paragraph W.

DESCRIPTION OF SITE

The application site as existing refers to a barn accessed of Briargrove Road to the north. The application site lies outside any settlement boundary and is fully within the Green Belt. The application site is located 2.5km north west of Birch Vale and is 300m to the east of the boundary with Cheshire East Unitary Authority.

The barn itself is orientated north-south and is a typical steel barn structure with stone blockwork to the base and timber slatted cladding to the upper portion. The barn measures 9m x 23m.

PROPOSAL

This application seeks a change of use from a barn to a dwellinghouse under the prior approval notification process under Schedule 2, Part 3, Class Q of the General Permitted Development Order (2024).

The applicant has indicated on the application forms that they wish the application to be assessed under the transitional arrangements, which allow the application to be assessed against the previous Part Q regulations (prior to 21 May 2024 changes).

The existing barn is proposed to be converted into one singular five bed dwelling with a total floor area of 258.6 sqm over ground and first floor levels.

The steel structure and stone blockwork at the lower level are to be retained in-situ. A new thermal layer will be installed inside the existing building elements with the concrete slab overlaid with insulation. The existing metal roof sheets will be replaced with a new sheet metal roofing comprising rooflights. The metal roofing continues down the upper part of the elevations onto the blockwork to the lower section.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

Reference no. HPK/2001/0489

Description: Erection of agricultural building for storage of implements, hay and straw.

Decision: Approved (28/05/2002)

CONSULTATIONS

Environmental Health

This looks low risk from public health/nuisance perspective, involving barn conversion. You may want to consider model construction (CD STANDARD) as you see appropriate (attached). If you have any specific concerns not addressed, please let me know.

Conservation Officer (No Objection)

No heritage comments to make.

AES (No Objection)

Collection vehicles are unable to access driveways for collections, bins will need to be presented at a point next to the nearest adopted highway.

Derbyshire County Council Highways (No Objection)

The application is relatively remote from services and amenities; however, there is a bus stop some 350m to the west which is within the recommended walking distance to bus stops.

It is noted that there are no footways on Briargrove Road; however, the road is in a rural location and is not expected to attract high vehicle flows or high vehicle speeds, therefore, in this instance the presence of pedestrians walking in the road is not considered to be unacceptable to highway safety or the safety of pedestrians.

Considering the rural nature of Briargrove Road and the relatively low vehicle speeds and flows, the existing access is considered suitable to accommodate the likely

vehicle trips to and from the site. The location of the proposed dwelling is some 50m from the highway boundary and there appears to be sufficient space to provide parking and turning facilities wholly within the site.

Based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Publicity

Site Notice expiry date: n/a

Neighbour consultation period ends: n/a

OFFICER COMMENTS

This application is for the change of use of one barn to one dwellinghouse (Use Class C3), and associated operational development, under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class Q.

The key issues for consideration in the assessment of this application is whether the proposals meet the requirements of Prior Approval – Schedule 2, Part 3, Class Q – Buildings on agricultural units and former agricultural buildings to dwellinghouses

Permitted development

Q. Development consisting of—

(a) a change of use of (**Complies** – *application seeks a change of use from a agricultural barn to a dwellinghouse*)

(i) a building that is part of an established agricultural unit and any land within that building's curtilage, or (**N/A**)

(ii) a former agricultural building that was (but is no longer) part of an established agricultural unit and any land within that building's curtilage, to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order, (**N/A**)

(b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or (**N/A**)

(c) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building referred to in sub-paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule or to extend that building (**N/A**).

Development not permitted

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

(a) if the site was not used solely for an agricultural use as part of an established agricultural 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.

The site was in use on the 20th March 2013 solely for agricultural purposes as part of an established agricultural unit.

(b) if in the case of –

(i) a larger dwelling house, 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 465m²

“Larger dwellinghouse” being defined as a dwellinghouse that has a floor space of more than 100m² and no more than 465m² (GPDO Sch 2, Part 3, Class Q, Q.3 Interpretation of Class Q) and “floor space” means the total floor space in a building or buildings (GPDO Sch 2, Permitted Development Rights, Interpretation, page 6).

Complies - *The application is accompanied by proposed drawings to show the floorspace provisions for the proposed dwellinghouse.*

The proposed ground floor area has been measured to have a floor area of 185.4 sqm. The first floor has been measured to have a floor space of 73.3 sqm and therefore the total floorspace totals 258.7 sqm.)

(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;

Complies – *as above the proposals would create one singular dwelling unit which would be less than 465sqm.)*

(c) if in the case of –

(i) a smaller dwelling house, 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 100m² (**N/A** – *no smaller dwellinghouses are proposed*)

d) if 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 465m² 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

(Complies – *The proposals in this instance seek to change one singular barn to a dwelling. The proposed barn would have a floorspace of less than 465sqm (258sqm).*

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

(Complies - *the site is no longer occupied by an agricultural tenant as stated on the application form)*

(f) if 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.

(Complies – *As above the site is no longer occupied by an agricultural tenant and has not been so in excess of one year before development is proposed as stated on the application form)*

(g) if 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 the development under Class Q begins

(Complies - *Development has not been carried out under Class A(a) or Class B(b) of Part 6 of this Schedule during the period specified. The proposal is therefore compliant with the above section of the legislation.)*

(h) if the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.

(Complies – *the proposals do not seek to extend beyond the existing external dimensions)*

(i) if 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)

(Complies – *The plans show that windows and doors would be inserted to all four external facing elevations, cladding and nesting boxes, no other building operations are proposed*)

(j) if the site is on article 2(3) land **(N/A)**

(k) if 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 **(N/A)**

(l) if the site is, or contains, a scheduled monument. **(N/A)**

(m) if the building is a listed building **(N/A)**

Conditions

Class Q(a) and Class Q(b) development is permitted subject to the determination of the Local Planning Authority as to whether any of the following require the prior approval of the authority.

Q.2 (1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), the development is permitted subject to the condition that before beginning the development, 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 –

(a) transport and highways impacts of the development;

Derbyshire County Council Highways have raised no objections to the proposals and have stated that *“The location of the proposed dwelling is some 50m from the highway boundary and there appears to be sufficient space to provide parking and turning facilities wholly within the site.”*

Therefore the proposals have demonstrated they comply with this condition.

(b) noise impacts of the development;

A Noise assessment was not submitted with the application to assess potential noise impacts. It is presumed that the farm would remain in active, Environmental Health have deemed the proposals to be of a low risk from a public health / nuisance perspective and have raised no objections. Therefore the proposal is judged to comply with this condition in this regard.

(c) contamination risks on the site;

As above. However given that the barn was previously in agricultural use, it is considered that a contamination watching brief condition is imposed.

(d) flooding risks on the site;

The site is within flood zone 1 and therefore is considered low flood risk.

(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 ClassC3 (dwellinghouses) of the Schedule to the Use Classes Order.

The development has been assessed to not be harmful in this respect. The site is a relatively remoted location, however it is noted that a bus stop is within 350m of the site, and therefore within reach of public transport.

(f) the design or external appearance of the building;

The existing barn is of a modern construction and comprises a mix of stone blockwork lowers and timber salts uppers over a metal frame.

The proposed dwelling seeks to retain the traditional stone blockwork and install standing seam metal wall cladding to the upper sections with the metal roofing continuing down onto the upper part of the elevations to maintain the existing proportions of the building. The proposals would install windows to the front, rear and side elevations of the building

Under the older Class Q regulations compliance with NDSS is not mandatory but both proposed dwellings do exceed the minimum space standards which is supported.

Amenity space would be provided behind the building and to its side which is considered acceptable for the size of the building.

With consideration to this the proposals have assessed to comply with this condition.

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

The barn would provide adequate natural light to all habitable rooms and provide sufficient residential amenity for future occupiers in this regard.

Change of use under this part includes curtilage, which is defined as follows.

X. curtilage” means, for the purposes of Class Q—

- (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 dwelling as proposed comprises a designated outdoor amenity area in the form of a patio and garden area. According to the site plan the proposed outdoor area would provide approximately 140.3 sqm of designated outdoor space 35.8sqm of which is to be garden.

The requirement is that the curtilage land should be no larger than the land occupied by the agricultural building which is just met as the curtilage land equates to 140.3 sqm in comparison with the land occupied by the agricultural building which is 224.6 sqm.

Wildlife considerations

The Wildlife and Countryside Act 1981 protects native species and habitats. It is a pertinent consideration in applications relating to barn conversion particularly the ensuring the protection of Bats and Birds. Chapter 15 of the NPPF contains the relevant national planning policies which relate to conserving and enhancing the natural environment, which include the protection of protected species. In particular paragraph 187 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 should be refused.

The application is accompanied by a great crested newt survey, which assessed a pond 100m to the north east of the site. The survey revealed that the pond tested negative for GCN activity and therefore the report concludes that the development proposals will not adversely impact GCN. If granted it is recommended that informative be imposed reminding the applicant of his responsibilities under the Wildlife Act.

CONCLUSION

The proposal is considered compliant with the conditions, limitations and restrictions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provision) (England) Order 2015 and the guidance contained within the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG), therefore, it can be considered as permitted development as described by the Class Q provisions.

OFFICER RECOMMENDATION : **Prior Approval is Required and Granted**

Case Officer: Stuart Talbot

Recommendation Date: 19/06/2025

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council