



Appeal Decision

Site visit made on 27 February 2023

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/B3438/W/22/3306711

Ivy House Farm, Rownall Road, Wetley Rocks, Staffordshire ST9 0BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by JCM Group Holdings (UK) Limited against the decision of Staffordshire Moorlands District Council.
 - The application Ref DET/2022/0004, dated 11 January 2022, was refused by notice dated 10 March 2022.
 - The development proposed is the change of use of an agricultural building to a dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of an agricultural building to dwellinghouses (Class C3), and for building operations reasonably necessary for the conversion at Ivy House Farm, Rownall Road, Wetley Rocks, Staffordshire ST9 0BT in accordance with the application ref DET/2022/0004 made on 11 January 2022, and the details submitted with it, pursuant to Article 3(1) and Schedule 2, Part 3, Class Q, paragraph W(2) of the GPDO and subject to the conditions of the GPDO and following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 2015-2033-29, 2015-2033-25A, 2015-2033-32A
 - 2) Prior to the commencement of development, a scheme for protecting the dwellinghouses hereby permitted from noise resulting from the use of the neighbouring agricultural building to the north-west shall have been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed before the dwellinghouses are first occupied and shall thereafter be retained.

Main Issues

2. Under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) planning permission is granted for the change of use of an agricultural building to a use falling within Class C3 (dwellinghouse) of the Schedule to the Use Classes Order, together with building operations reasonably necessary to convert the building. Paragraphs Q.1 and Q.2 specify limitations and conditions in relation to Class Q.

3. The Council has refused the application on the basis that the proposed development fails to accord with the restrictions contained within paragraphs Q.1.(b)(i)(bb) and Q.1(i) of the GPDO. These paragraphs respectively relate to the cumulative floorspace of the building changing use to dwelling houses and building operations reasonably necessary for the building to function as a dwellinghouse. It has also stated that prior approval is required in relation to the location and siting of the building, and its design and external appearance (paragraphs Q.2.(1) (e) and (f) of the GPDO.
4. On the basis of the evidence of the Council and appellant, the main issues in this appeal are:
 - whether the proposed development would fall within development permitted under Schedule 2, Part 3, Class Q of the GPDO, and would not be excluded by paragraph Q.1; and,
 - if permitted and not excluded under Class Q, whether prior approval is required, firstly, as to whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change use to a use falling within Class C3 (dwellinghouses) and, secondly, as to the design and external appearance of the building.

Reasons

Whether the proposed development would be permitted development

5. It is common ground that the appeal building was constructed as an agricultural building and I saw during the site visit that it was in agricultural use. In principle therefore permitted development rights apply to the building allowing its residential conversion. Paragraph Q.1 of the GPDO contains a list of exclusions as to when development would not be permitted under Class Q. This includes limits in relation to floor areas and the nature and extent of building operations involved in enabling the building to function as a dwellinghouse or dwellinghouses.
6. In relation to floor areas, paragraph Q.1(b)(i)(bb) states in relation to the proposal that development is not permitted by Class Q if the cumulative floor space of the existing building changing use to larger dwellinghouses exceeds 465 square metres. By virtue of *Mansell v Tonbridge and Malling BC & others*¹ the floor space restriction is a restriction on the change of use, not on the size of building or buildings in which the change of use occurs. As a result, as the combined floor area of the two larger dwellings that would be created would be 449sqm the proposal complies with this aspect of paragraph Q.1.
7. Paragraph Q.1(i) supports partial demolition to the extent reasonably necessary for the building to function as a dwelling. In the case of the design of the proposed conversion that accompanied the application, the eastern side of the building, which equates to approximately a third of its floor area, would be demolished to enable the building to change use. As the majority of the building would remain intact, and only the height of the eastern elevation would change, this would not result in the creation of a new building. Moreover, as the new eastern glazed elevation would not be structural its installation in conjunction with the partial

¹ *Mansell v Tonbridge and Malling BC & others* [2017] EWCA Civ 1314

demolition proposed would not go beyond what is reasonably necessary for the building to function as a dwelling house.

8. As the alternative design for the proposal, 'Floor Plan and Elevations - Option 2', that was considered by the Council as part of the application only differs in that more of the side walls and roof would be retained, the same conclusions apply to this scheme too. Accordingly, I therefore find that both design options for the proposed development would be permitted by Class Q.

Prior approval

9. Planning Practice Guidance advises that the starting premise for Class Q is that the permitted development rights grant planning permission, subject to the prior approval requirements

Location or siting of the building in relation to living conditions

10. Close by to the north-west of the appeal building is a modern agricultural building with a lean-to lambing shed attached. The entrance to this building is close to the western elevation of the appeal building where the majority of the bedrooms in the proposed houses would be located.
11. As a medium sized grain store, the neighbouring agricultural building is likely to be in use relatively frequently. Potentially this could include early in the morning or late in the day when future residents of the proposed dwellings could be sleeping. I agree with the appellant that the potential for disturbance caused by use of the agricultural building could be overcome though by a suitable scheme to insulate the proposed dwellings from noise. The potential for noise also means that the garden layout shown in the site plan originally submitted with the application is preferable to the alternative garden layout shown in the site plan submitted on 4 March 2022. The smaller lambing shed, in contrast, shielded by the main part of the neighbouring agricultural building and in use for only a few weeks each year, would not be problematic in terms of noise or odour.

Location or siting of the building in relation to heritage assets. Design and external appearance of the building.

12. The appeal building is a large, portal framed, 20th century structure clad in steel sheets with lower blockwork walls and a corrugated, dual pitched roof with a gentle slope. The building is located to the rear of the Grade II listed stone-built 17th century farmhouse and 18th century barn. Built from local stone and roofed with clay tiles the significance of these rectangular plan listed buildings is historical and architectural. The location of the appeal building close to the rear of both buildings forms part of the setting of these designated heritage assets. Read together, the cluster of old and more recent agricultural buildings around the historic farmhouse illustrates the evolution in the scale of agriculture due to mechanisation and provides a link between old and new.
13. Nevertheless, located in an elevated position close to the rear of the listed buildings the appeal building is so large that it dominates both heritage assets to an excessive degree. As a result, the proposed partial demolition of the appeal building shown in both design options would reduce its scale and dominance to the benefit of the setting of these heritage assets.

14. The agricultural character of most of the building would be retained as part of the two designs for the proposed change of use. However, the new full height glazed eastern elevation shown in the plans originally submitted with the application would have a marked domesticating effect on the building. In the most important public views on the approach along Rownall Road from the south, when the building forms the backdrop to the two listed buildings, this would have an urbanising effect on the setting of the two heritage assets and confuse the relationship between them and the appeal building.
15. This problem though would be sufficiently overcome by 'Floor Plan and Elevations - Option 2'. By partially retaining the side walls of the main part of the eastern elevation of the building and retaining part of the roof slope the eastern elevation would be enclosed to a significant degree. As a result, on the approach from the south along Rownall Road the glazed elevation would be partially screened from view and the domesticating effect of the glazed elevation on the building would be downplayed. Whilst domestic paraphernalia on the patios and garden areas in front of this elevation would be visible, given the large scale of the building and the limited extent of the curtilage to both properties, if the curtilage is laid out in accordance with what was originally proposed the building would retain its agricultural character and not harm the setting of the listed buildings.
16. On the approach from the north along Rownall Road and on the public footpath when approaching from the east, 'Floor Plan and Elevations - Option 2' and the associated site layout shown in 'Site Plan showing Alternative Garden Layout' would have a similar positive effect on the proposed scheme.

Conclusion on prior approval

17. For the reasons given, I therefore find that prior approval should be granted for the location, siting, design and external appearance of the building in accordance with Option 2.

Conditions

18. In granting approval, the appellant should note that the GPDO requires at Paragraph Q.2(3) that the development shall begin within a period of 3 years from the date that the prior approval is granted. A number of other conditions apply to such development, including paragraph W(12) of the GPDO which requires that the conversion is carried out in accordance with the details provided in the application.
19. To ensure certainty and clarity, it is necessary to impose a condition setting out the approved plans. In the interests of ensuring acceptable living conditions for future residents, the dwellings need to be insulated from noise that may occur from use of the neighbouring agricultural building.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed and prior approval should be granted.

Ian Radcliffe

Inspector