



Appeal Decision

Site visit made on 2 September 2025

by **C McDonagh BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 September 2025

Appeal Ref: APP/B3438/W/25/3364059

Big Shaffalong Farm, Shaffalong Lane, Cheddleton, Staffordshire, ST13 7LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 John Pointon and Sons Ltd against the decision of Staffordshire Moorlands District Council.
 - The application Ref is DET/2024/0048.
 - The development proposed is change of use of an agricultural building to two dwellinghouses (Use Class C3) and associated operational development.
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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 two dwellinghouses (Use Class C3) and associated operational development at Big Shaffalong Farm, Shaffalong Lane, Cheddleton, Staffordshire, ST13 7LE in accordance with the terms of the application, Ref DET/2024/0048 and the details submitted with it, and subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs has been made by John Pointon and Sons Ltd against Staffordshire Moorlands District Council. This application is subject to a separate decision.

Preliminary Matters

3. The decision notice gives 2 reasons for refusal, with the first specifying that the proposed dwellings, by virtue of their floorspace exceeding 150 square metres (sqm), would not comply with section Q.1(c) of schedule 2, part 3, class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). However, following amendments to the GPDO in April 2024, which were brought into force in May 2024, Article 10 of Statutory Instrument No. 579 introduced a transitional provision whereby at section 10(2)(a), a developer may, notwithstanding the amendments made by article 3, make an application for a determination as to prior approval in relation to previously permitted development under Class Q until the end of 20th May 2025.
4. As such, although the floor spaces of the proposed dwellings would exceed 150sqm, having chosen to have the application assessed against the previous legislation, the proposal would not conflict with this section of the GPDO, albeit the

new provisions of the amendment also do not apply. The Council has accepted this and thereby dropped its first reason for refusal.

Main Issue

5. Schedule 2, Part 3, Class Q(a) of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses). Additionally, Class Q(b) includes development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule. Development is permitted subject to certain criteria, with circumstances where development is not permitted being listed under Paragraph Q1. There appears no dispute between the parties that the proposal would satisfy these criteria.
6. Where the development proposed is development under Class Q(a) together with development under Class Q(b), 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 the matters listed in section Q2(1), which includes the provisions of paragraph W (prior approval) of part 3 which apply in relation to that application. The latter includes section W(10)(b), which states that the local planning authority, or in this case Secretary of State, must, when determining an application have regard to the National Planning Policy Framework (The Framework) issued by the Ministry of Housing, Communities and Local Government in July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
7. Based on the above, the main issue is therefore whether prior approval is required as to the design or external appearance of the building.

Reasons

8. The appeal site includes an agricultural building located within a larger farmyard located off Shaffalong Lane to the west of the village of Cheddleton. The building proposed for the change of use is formed of a steel frame with concrete block lower walls and upper metal cladding and has a dual pitched roof. The footprint of the building is evidently 25 metres (m) by 34m. I understand that a previous application was refused¹ with the current proposal reducing the scale of the building among other changes.
9. The proposal would see much of the blockwork of the existing structure covered by timber cladding, although some of it would remain legible to the lower sections of the walls. The roof would also be reclad in similar cladding, although there are few details regarding materials at this stage. The existing building is unremarkable in its form and appearance. It would have been of functional design necessary for its purpose to store livestock or supplies and as such its utilitarian character is not surprising. However, there is some visual interest in the apparent extensions to either side which have created a dual pitch in the roof, with the older central section having a steeper incline. This form would be retained and clad as described.

¹ DET/2022/0027

10. There is no requirement in the GPDO for the design and external appearance to improve in the context of the existing building. Moreover, the size of the building would be reduced against its existing dimensions, while if the prior approval was refused, the size and form of the building would remain and continue to be a negative feature by the Council's assessment. Furthermore, the windows and doors to be inserted are generally muted in size and design save for a large window to either side elevation. While they may be modern in design, there would be little gained by requiring traditional style windows in an agricultural building. As such, the design and external appearance of the proposed conversion would be acceptable.
11. I therefore conclude that the design and external appearance of the building would be acceptable, and the proposal would comply with Paragraph Q.2. (1)(f) of schedule 2, part 3, class Q of the GPDO. The proposal would also be consistent with paragraph 135 of the Framework insofar as it requires new development to add to the overall quality of an area, be visually attractive and sympathetic to local character, including landscape setting.

Conditions

12. In accordance with Condition Q.2(3) of schedule 2, part 3, class Q of the GPDO, the approval is subject to the condition that development must be completed within a period of 3 years from the date of this decision. Paragraph W(12) requires the development to be carried out in accordance with the approved details. Therefore, it is not necessary to repeat these requirements as conditions.
13. Paragraph W(13) sets out that prior approval may be granted subject to conditions reasonably related to the subject matter of the prior approval. The Council has submitted a number of conditions which I have considered and edited where necessary to ensure that they comply with the tests for conditions in the regard to the tests in the Framework. I note that the appellant did not comment on these conditions.
14. A condition is therefore necessary to agree details relating to the external materials to be used given the lack of detail provided in this regard with the appeal. For a similar reason, a condition to agree a scheme of hard and soft landscaping is necessary.
15. Additional conditions suggested by Council to ensure that potential contamination is suitably remediated, parking and access is agreed and that mitigation is secured with relation to noise are all necessary and reasonably related to the subject matters of the prior approval application to ensure transport and highways impacts, of the development, noise impacts and contamination risks on the site are not harmful to potential future occupiers of the dwellings.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

C McDonagh

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) No development above ground level shall take place until details of the materials to be used in the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 2) No development above ground level shall take place until full details of both hard and soft landscape to be implemented have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - Means of enclosure.
 - Hard surfacing materials.
 - Planting plans.
 - Written specifications (including cultivation and other operations associated with plant and grass establishment).
 - Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate.
 - Implementation timetables.

The implemented planting scheme shall be subsequently properly maintained in accordance with good horticultural practice; any plants which are removed, die, become diseased or otherwise fail to establish within 5 years of planting shall be replaced during the next available planting season and the replacements themselves shall then be properly maintained.

- 3) Before the development hereby permitted is first occupied, details of a revised parking layout for 3 vehicles per dwelling and a surfaced access from the access track shall be submitted to and approved in writing by the Local Planning Authority. The parking areas shall thereafter be provided in accordance with the approved drawing and retained unobstructed for the life of the development.
- 4) Before the development hereby permitted is first occupied, all soils that are intended to be used for the proposed garden/ soft landscaping areas should be tested for contamination and assessed for their suitability for the proposed use. Prior to sampling, a suitable methodology for testing the soil should be submitted to and agreed by the Local Planning Authority and should include the sampling frequency, testing schedules, and criteria against which the analytical results will be assessed. The results of the soil tests should be submitted and approved in writing by the Local Planning Authority. If soil results indicates that potential risks exist, all work shall cease and not recommence until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared and subject to the approval in writing by the Local Planning Authority
- 5) In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and

extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been prepared, and is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

- 6) Before the development hereby permitted is first occupied, a site-specific scheme for protecting the proposed residential units from noise shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall have due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and be designed to achieve noise levels of less than 30dB LAeq in bedrooms (nighttime), 35dB LAeq in bedrooms (daytime), less than 40 dBLAeq in living areas and 50dB LAeq in outside living areas. A report shall be produced containing all raw data and showing how calculations have been made. A copy of the report shall be submitted to the Local Planning Authority for its approval.