

26 February 2024

Supporting Statement

Application for certificate of Lawful Development at Red Wells Farm Barn, Fordoe Lane, Rochdale.

1.0 Background

This application is submitted under the provisions of Section 192 of the Town and Country Planning Act 1990 as amended, and seeks to establish that the change of use of an agricultural building and land to residential use to form one dwelling constitutes lawful Development.

The application relates to an application for prior approval for land at Red Wells Farm, Fordoe Lane, Rochdale, for the change of use from an agricultural building to a dwelling under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

A previous application for prior approval under Class Q had been submitted and validated on the 21st November 2023. A decision notice determining that prior approval was refused, was issued on the 16th January 2024.

One reason was given for refusal, that insufficient evidence had been submitted to prove that the building had been used solely as part of an agricultural holding. Two examples were provided where information was insufficient:

1. Discrepancies in the mapped information provided
2. The receipts provided were not readable and evidence of a farming business could not be demonstrated. The proposals are therefore not in accordance with the criteria under Class Q of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended 2018).

In order to address these reasons evidence is provided in this Lawful Development Certificate application which clarifies these matters and demonstrates that the proposals were in accordance with the GPDO, and that in issuing the decision after published working hours on the 56th day, the Council has failed to observe the statutory time limit for determination of the application.

Schedule 2, Part 3, paragraph W(11) of the GPDO 2015 is effectively a deemed prior approval provision and there is nothing in paragraph W(11) which prevents the commencement of a development where the time limit has expired.

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It is important, however, to note that if the applicant does proceed, he should be satisfied that the scheme fulfils all of the conditions under the relevant class.

In this instance, there is a previous decision from the Council refusing approval. That decision gives the reason for refusal. This LDC application seeks to specifically address those concerns by providing the evidence which the Planning Officer had deemed lacking.

There were no other concerns raised by the Council or anything to suggest that the proposed scheme did not satisfy any of the other the conditions under Class Q or paragraph W. Section 5 of the planning statement submitted with the application addresses each test under Class Q.

2.0 Planning Legislation

During the application, the case officer assessed the proposals against the criteria of Class Q and his case notes are attached as Appendix 09

The application for prior approval was made under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. That legislation provides that 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 (dwelling houses) of the Schedule to the Use Classes Order; or

(b) 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 (dwelling houses) of that Schedule.

It is noted in the Planning Officers Case Notes, that this application met that requirement

Paragraph Q1 provides a number of circumstances or factors which exclude the application of Class Q and take the development outside of its scope. For example, development under Class Q will not be permitted where the site was not used solely for an agricultural use on 20th March 2013 or where a single dwelling house has a floorspace of more than 465 square metres.

It is noted that in the Planning Officer's case notes, that they believe that was provided in the application do not sufficiently demonstrate the agricultural use.

Appendix 01 is a location plan provided by the applicant, which shows the extent of the land in his ownership and forms the agricultural holding. The building is identified in green and is clearly within the border of the agricultural unit bordered in red.

Appendix 02 is taken from the Rural Land Payments website and demonstrates the extent of fields the applicant receives a Government subsidy for maintaining permanent grassland. It is acknowledged that the application site is excluded from the blue line boundary, however it is also apparent that the tracks, meadows and access roads where

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the applicant does not receive a subsidy are also excluded from the blue line boundary. However they are undisputedly in agricultural use.

Appendix 03 is a closer view of the application site and it again demonstrates the extent of the Rural Payment Boundaries. To reiterate, this is land within ownership of the applicant for which he is paid an agricultural subsidy.

Appendix 04 shows redacted copies of receipts the applicant has provided, for animal feed and farming supplies.

Paragraph W sets out the procedure for applications for prior approval under Part 3. It specifies the information which must be submitted as part of the application. Sub-paragraph W (3) provides that a local planning authority may refuse an application for prior approval if the proposal does not comply with the applicable conditions, limitations or restrictions for that class. Sub-paragraph W(11) provides that the development must not begin before the occurrence of one of the following:

- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
- (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
- (c) the expiry of 56 days following the date on which the application under sub - paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.**

The acknowledgement of the application was received on the 21st November 2023 and is attached below as Appendix 05. The refusal notice (Appendix 06) is also attached. Appendix 07 is a screenshot of the email received confirming the application had been refused. The date of and time of the receipt of the email are important to note.

The email, being delivered to the agent's inbox at 20:54, is outside of the published hours of operation for the Architects Practice and therefore is deemed to have been received the following day- day 57 of the application.

In the Planning Appeal Ref: APP/R0660/X/17/3175487, the appeal inspector David Richards BSocSci DipTP MRTPI, had to consider if a prior notification application had been determined within the allocated 56 days (Appendix 08). The inspector noted:

"The Appellant argues that the decision notice was not received until 12 August 2016, after the 56 day period had expired. The Council say that the application was determined on 9 August 2016, published on the Council's website, and as such was publicly available. The notice was despatched on the same day, i.e. within the 56th day period allowed.

*Whilst I accept that that the Council determined the application on the 56th day and published the decision on its website, I do not consider that this is sufficient to comply with the requirement in W(11)(c) to notify the applicant within 56 days. **An e-mail sent on that day would have sufficed, provided it was actually received by the Appellant or his agent within working hours on the 56th day.** However, there is no dispute that the decision notice was postmarked 10th August, and not actually received until 12 August 2016.*

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Accordingly, I conclude that the Appellant would have been entitled to commence work on the conversion on the 57th day as notification had not been received by then."

There is no dispute that the email was issued on the 56th day, however, because it was not received by the applicant's agent until day 57, it is inferred that the applicant could have commenced work on the conversion of the property on day 57.

The Council failed to observe the statutory time limit for determination of the application. Schedule 2, Part 3, paragraph W(11) of the GPDO 2015 is effectively a deemed prior approval provision and there is nothing in paragraph W(11) which prevents the commencement of a development where the time limit has expired.

This application seeks clarification from Rochdale MBC that the applicant may continue the conversion of the barn to a dwelling lawfully and that the criteria for award of a LDC has been met.

Prepared by

Mathew Benson

Architect RIBA

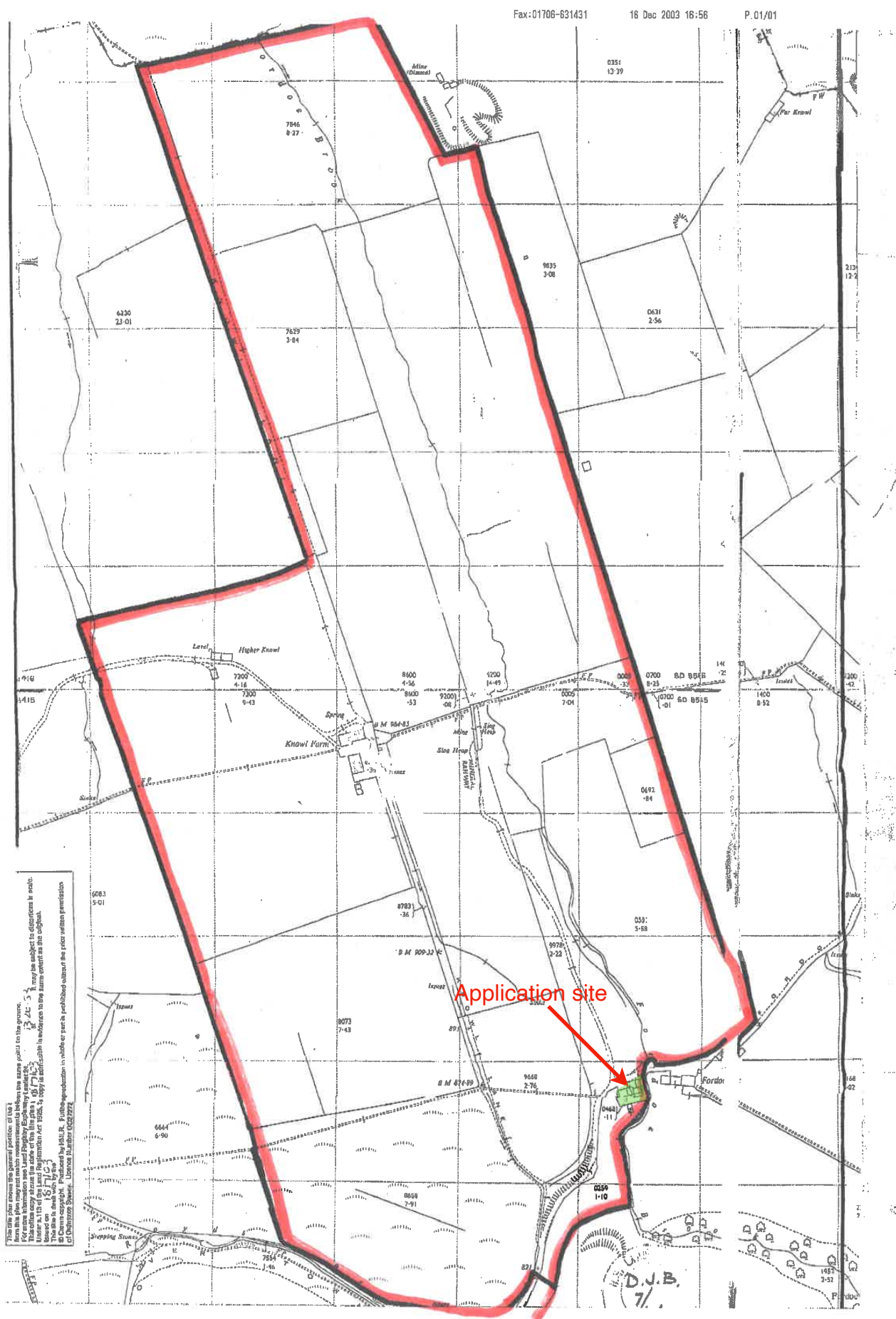
Appendices

- 01 Location Map with the extent of the agricultural holding marked in red.
- 02 Rural Land map showing the land for which the applicant receives a subsidy.
- 03 A larger image of the RL map boundaries
- 04 Photos of the receipts demonstrating an agricultural business
- 05 The acknowledgement of the PN application dated the 21st November 2023
- 06 The refusal notice dated the 16th January 2024
- 07 A screenshot of the email inbox demonstrating that the email was received at 20:54pm
- 08 (separate to this document) the Planning appeal decision for APP/R0660/X/17/3175487
- 09 The planning Officers Case notes

Additionally, documents submitted to RMBC for the initial prior notification application are attached separately. These include:

21-051-471_Phase 1 land contamination report	22-051-010_Existing
22-051_Structural appraisal	22-051-101_Application Site
22-051_Supporting Planning statement	22-051-301_Proposed Location Plan
22-051-001_Location Plan	22-051-310_Proposed

Appendix 01- Extent of the Agricultural Holding



Appendix 02- Extent of the Rural Payments Boundaries



Rural Payments
Your businesses Sign out

Close

Land summary

Andrew Crossley

This is how the land parcels for this business are distributed. Click on the Parcel ID to view it or tell us about any changes.

[Help](#)

Choose a date you want to see the information and map for:

Date:

Summary

Number of parcels	10
Total area (ha)	33.09
Permanent Grassland (ha)	32.60

Land parcels

Parcel ID ▲	Total area (ha)	Eligible covers	BPS eligible area (ha)
SD8415 7293	5.52	Permanent Grassland	5.25
SD8415 7973	3.02	Permanent Grassland	3.02
SD8415 8658	3.18	Permanent Grassland	3.18
SD8415 8946	0.62	Permanent Grassland	0.50
SD8415 9586	7.67	Permanent Grassland	7.56
SD8416 7438	4.63	Permanent Grassland	4.63



Map Photo

Is this information up to date?

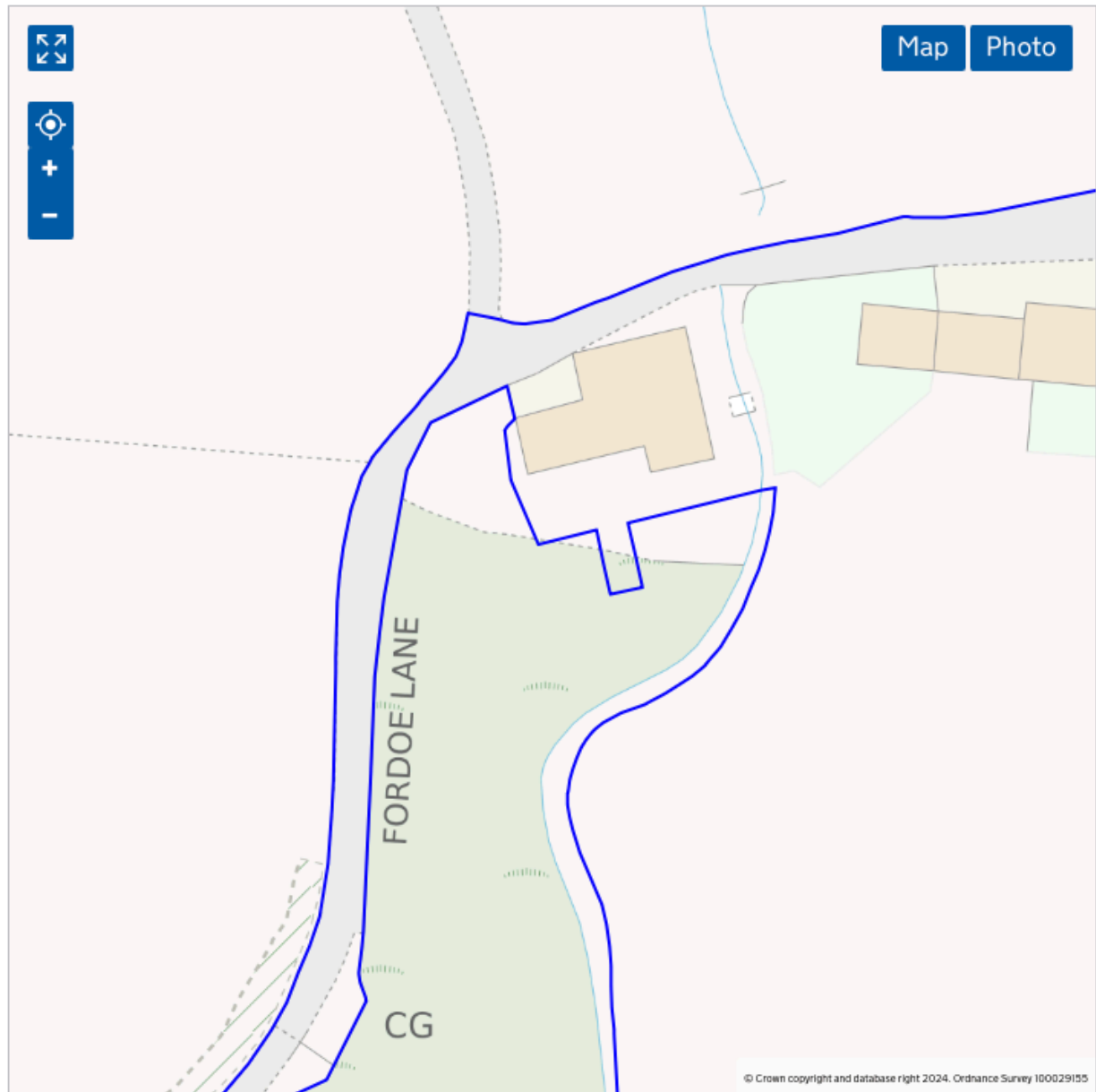
If you have already asked us to make changes to information about your land, they might not show here yet.

Land data

Use [Defra Data Services](#) to download or link to the data in the Rural Payments service. This will give you land parcel boundaries, land cover (this is not land use), and hedges to use in your farm and mapping software.

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Appendix 03- Extent of the Rural Payments Boundaries
which excludes the application site and access roads.



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Appendix 04- Receipts for animal food and farming supplies
(2 pages)

Cash Sales Invoice

Invoice No. [REDACTED]
Tax Point Date: 14/02/22
Your Reference: [REDACTED]
Order Number: [REDACTED]
Movement Date: 14/02/22

Quantity	Units	Price (£)	Net Value	VAT Code
2	500kg	334.18	334.18	003
2	Each	3.24	6.48	001

AMOUNT £341.96
Verified by PIN
THANK YOU
13:53 14/02/22
AUTH CODE: 159756
Agrimark Marker Spray - animal

VAT Code	Rate	Net of Discount	VAT
001	20%	6.48	1.30
003	0%	334.18	0.00

Total Goods Value £ 340.66
Direct Debit Discount £ 0.00
Sub-Total £ 340.66
Total VAT £ 1.30
INVOICE TOTAL £ 341.96

Cash Payment Discount has been deducted
14/02/22

Cash Sales Invoice

Invoice No. [REDACTED]
Tax Point Date: 20/12/21
Your Reference: [REDACTED]
Order Number: [REDACTED]
Movement Date: 20/12/21

Quantity	Units	Price (£)	Net Value	VAT Code
2	500kg	309.68	309.68	003

AMOUNT £309.68
Verified by PIN
THANK YOU
11:36 20/12/21
AUTH CODE: 854135

VAT Code	Rate	Net of Discount	VAT
003	0%	309.68	0.00

Total Goods Value £ 309.68
Direct Debit Discount £ 0.00
Sub-Total £ 309.68
Total VAT £ 0.00
INVOICE TOTAL £ 309.68

Cash Payment Discount has been deducted
Payment Due: 20/12/21
[REDACTED]

Page: 1 of 1
VAT Registration No. 174 4991 28

LDC Supporting Statement: Red Wells Farm Barn, Fordoe Lane, Rochdale

Cash Sales Invoice

Invoice No. [REDACTED]
 Tax Point Date: [REDACTED]
 Your Reference: [REDACTED]
 Order Number: [REDACTED]
 Movement Date: 31/03/22

DALE NUTRITION LTD
 LMAN HILL
 THELL

£44.24
 31/03/22
 CODE: 772069

Quantity	Units	Price (£)	Net Value	VAT Code
1	15kg	35.98	35.98	004
1	25kg	330.26	8.26	003

Active Plus Puppy
 Lamb Finisher Pellets 25kg

VAT Code	Rate	Net of Discount	VAT
003	0%	8.26	0.00
004	0%	35.98	0.00

Total Goods Value £ 44.24
 Direct Debit Discount £ 0.00
 Sub-Total £ 44.24
 Total VAT £ 0.00
INVOICE TOTAL £ 44.24

sh Payment Discount has been delivered

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Appendix 05- Acknowledgement Letter from RMBC

Mr Mathew Benson Storah Architecture Storah Architecture 46 Halifax Road Todmorden OL14 5QG	ECONOMY DIRECTORATE PLANNING AND DEVELOPMENT Daniela Ripa Interim Head of Planning Services Number One Riverside, Smith Street, Rochdale, OL16 1XU Telephone: 0300 303 8873 Email: Rosalind.Gralton@Rochdale.Gov.UK Our ref: 23/01262/PRA56 Enquiries to: Rosalind Gralton Direct Line: (01706) 925717 Date: 6 December 2023
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Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND)
ORDER 2015

ACKNOWLEDGEMENT OF APPLICATION FOR PRIOR APPROVAL

Location: Barn At Red Well Farm, Lower Knowl Lane Rochdale

Proposal: Prior approval application for change of use from agricultural building to dwellinghouse (Class C3) including alterations to fenestration on all elevations and formation of residential curtilage with driveway to the front and patio area to the rear

Thank you for the above application which was received on 21 November 2023. It has been allocated reference 23/01262/PRA56 which should be quoted on all enquiries relating to this matter. Full details of the application can be found on the Council's website through public access <http://publicaccess.rochdale.gov.uk/online-applications/>. The case officer for the application is Rosalind Gralton.

The Local Planning Authority has 56 days from the date the application was received to decide that either: prior approval is not required; that prior approval is given; or that prior approval is refused. If you have not received any notice from the Local Planning Authority by 16 January 2024 that prior approval is not required, that prior approval is given or that prior approval is refused then prior approval is deemed to be granted.

As part of the consideration of this application the Local Planning Authority will write to adjoining neighbours and relevant consultees giving 21 days to make comments.

In considering whether prior approval is approved or refused the Local Planning Authority will consider the following: (a) take into account any representations made as a result of the 21 day neighbour notification period and (b) consider any comments from consultees. Further information may be required from you.

A copy of the Council's decision will be sent to you. Decisions will be also available to view on the Council's web site at <http://publicaccess.rochdale.gov.uk/online-applications/>.

If you have any doubts about the description given to your application or have any queries about the planning process, please contact the case officer on the number given.

This development may require a Building Regulation application, prior to its commencement. Please contact the Building Control office on 01706 924325 for advice or an application form.

Yours faithfully
Daniela Ripa



Town and Country Planning (General Permitted Development) (England) Order 2015

PRIOR APPROVAL REQUIRED

APPLICATION REFERENCE: 23/01262/PRA56

Name and address for correspondence:	Applicant name:
Mr Mathew Benson Storah Architecture Storah Architecture 46 Halifax Road Todmorden OL14 5QG	Mr A Crossley

Part I - Particulars of Application

Date of Application: 21 November 2023

Proposal:	Prior approval application for change of use from agricultural building to dwellinghouse (Class C3) including alterations to fenestration on all elevations and formation of residential curtilage with driveway to the front and patio area to the rear
Location:	Barn At Red Well Farm, Lower Knowl Lane, Rochdale, ,

Part II - Particulars of decision

The Rochdale Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 that prior approval is **REQUIRED** for the development referred to in Part I hereof.

Date Decision Issued 16 January 2024

Melanie Hale
Head of Planning Services



Town and Country Planning (General Permitted Development) (England) Order 2015

REFUSAL OF DETAILS

Name and address for correspondence: Mr Mathew Benson Storah Architecture 46 Halifax Road Todmorden OL14 5QG	Applicant name: Mr A Crossley
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Part I - Particulars of Application

Date of Application: 21 November 2023

Application No: 23/01262/PRA56

Proposal:	Prior approval application for change of use from agricultural building to dwellinghouse (Class C3) including alterations to fenestration on all elevations and formation of residential curtilage with driveway to the front and patio area to the rear
Location:	Barn At Red Well Farm, Lower Knowl Lane, Rochdale, ,

Part II - Particulars of decision

The Rochdale Metropolitan Borough Council hereby give notice in pursuance of the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 that approval has been **REFUSED** for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted for the following reason(s).

Reasons:

- 1 Insufficient information has been provided within the application to demonstrate that the existing barn has been used solely for an agricultural use as part of an established agricultural unit as required by paragraph Q.1(a) of Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). For the avoidance of doubt, this relates to the resolution of the supporting information provided electronically in support of the application contained within the 'Supporting Planning Statement' ref. 23-018 dated 14th September 2023 insofar as it relates to the receipts demonstrating financial transactions in association with the barn. Furthermore, there are discrepancies in the information provided in relation to the mapped land ownership and agricultural parcel data contained within the same document.

Date Decision Issued 16 January 2024

Melanie Hale
Head of Planning Services

PLEASE ENSURE THAT YOU HAVE READ AND FULLY UNDERSTOOD THE CONTENTS OF THIS DECISION NOTICE.

YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES.

INFORMATIVE:

The Local Planning Authority's reasons for its decision are set out in the accompanying officer's report.

For the avoidance of doubt, this decision relates to the following list of plans and documents:

22-051-001 - Location Plan - Existing
22-051-101 - Location Plan - application site
22-051-301 - Location Plan - Proposed
22-051-010 - Existing
22-051-310 - Proposed
Supporting Planning Statement - dated 14 September 2023
Structural Support - dated 18 September 2023

Appendix 07- Email from the Planning Officer received at



Q Ryan

RK

Ryan Killeen
23/01262/PRA56 - Decision Notice
To: Mathew

Inbox - Storah

16 January 2024, 20:54

Evening Mathew,

Please find attached decision notice. If you have any queries please do not hesitate to let me know.

Kind regards,

Ryan

Ryan Killeen (He/Him)
Principal Planning Officer (Growth)
Economy



ROCHDALE
BOROUGH COUNCIL

 01706 925964
 ryan.killeen@rochdale.gov.uk

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23-01262-PRA56 -
Decision Notice.pdf



Appendix 08

A copy of the Planning appeal notice APP/R0660/X/17/3175487
(Attached as a separate PDF)

Appendix 09

A copy of the Planning Officers Case Notes
(Attached as a separate PDF)