

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

25/00489/PRA56

CASE OFFICER

Sam Yuen

DETERMINATION DATE 06.07.2025 EXT OF TIME 16.07.2025

Address: Greengate Hill Farm, Ashworth Road, Heywood, Rochdale, OL11 5UN

Proposal: Prior approval application for change of use from agricultural building to dwellinghouse (Class C3)

PUBLICITY	Weekly list expired?	N/A	Site notice expired?	N/A
	Neighbour letters expired?	Y	Press Notice expired?	N/A

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	Y

EIA	Screening opinion completed and saved to Onbase?	N
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N/A

RECOMMENDATION

REFUSE

CHECKED AND SIGNED OFF BY: RK

DATE: 16/07/2025

SITE

The application relates to a vacant barn building in Greengate Hill Farm, located to the north of Heywood. The farm comprises a group of barn buildings set amongst open farmland, much of which has been converted into residential dwellings (see ref: 10/D52851 and 15/00364/FUL) including Greengate Hill Farm to the south and Greengate Hill Barn to the north. The host property is a timber framed structure and incorporates a two-storey barn building and an adjoining single-storey lean-to shippon. The site is accessible via an access road from Ashworth Road, an adopted highway circa 95m to the south. Within the wider vicinity lies Sandyford Farm circa 100m to the south, which also comprises a residential dwelling. The site is located within Green Belt land.

PROPOSAL

Prior approval is sought for the change of use from agricultural building to form one dwellinghouse (Class C3). Based on the submitted plans, the external building works to facilitate the conversion include the following:

- ☐ The construction of stone walls to all elevations;
- ☐ The addition of windows and door openings to all elevations;
- ☐ The formation of roof above the barn building and shippon; and
- ☐ The erection of a front porch extension projecting 2.34m from the front elevation of the two-storey barn building.

RELEVANT PLANNING POLICY

National Guidance

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

Conservation of Habitats and Species Regulations 2017 (as amended)

RELEVANT SITE HISTORY

24/00872/PRA56 - Prior approval for change of use of existing barn to residential dwelling – Refuse

15/00364/FUL - Partial demolition and conversion of existing agricultural building to form one dwelling including two storey and single storey extensions (Resubmission of 14/01458/FUL) - Grant subject to conditions

14/01458/FUL - Partial demolition and conversion of existing agricultural building to form one dwelling including two storey and single storey extensions. – Refuse

14/00238/HOUS - Single storey extension to west facing elevation together with the demolition of existing store and conservatory and the erection of a single storey

porch and creation of new stepped access to east facing elevation. - Grant subject to conditions

13/00057/ANM - Non material amendment to planning permission D52851 for alterations to elevations of barn including: - the installation of roof lights to southern roof plane, repositioning of first floor window on south facing elevation, revised window/door design to openings on north facing elevation and installation of external chimney stacks to east and west sides of building – Grant subject to conditions

10/D52851 - Change of Use and Conversion of Barn into Two Dwellings - Grant subject to conditions

05/D45672 - Determination of Prior Approval for the Resurfacing Of Access Road - Grant

CONSULTATION RESPONSES

Highways and Engineering

The proposed dwelling is well removed from any local centre and very limited public transport options are available. Highways would not expect any problematic volume of traffic to be generated by a small-scale development such as this.

The existing yard is adequate to accommodate parking. No changes the existing access point are proposed. No changes have been proposed to the existing highway. No new highways have been proposed in this application.

Highways have no objections to this proposal.

Greater Manchester Ecology Unit (GMEU)

In light of the submitted Preliminary Ecological Appraisal, GMEU is content that no further surveys are required for this element of the site's development. General advice regarding protected species and biodiversity net gains applies.

Env Health - Noise/Odours

No comments received at the time of writing.

Lead Local Flood Authority/Drainage

No comments received at the time of writing.

REPRESENTATIONS

Neighbour notifications via letters were sent to surrounding properties. Two objection letters were received with the following concerns:

- ☐ Agricultural use is preferred for the barn in a rural location.
- ☐ Concerns relating to parking and access resulting from the new dwelling.

- ☐ Impacts of increase in traffic and carbon footprint to local wildlife and countryside.
- ☐ The barn has no access to drainage or water.

ANALYSIS

The application is for prior notification for the Change of Use of an Agricultural Building to a C3 Dwellinghouse under Schedule 2, Part 3, Class Q (agricultural buildings to dwellinghouses) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Part Q relates to development consisting of—

- (a) a change of use of—
 - (i) a building that is part of an established agricultural unit and any land within that building's curtilage, or
 - (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,
- (b) development referred to in sub-paragraph (a) together with the extension of the building referred to in sub-paragraph (a), or
- (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.

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

- (a) In the case of a site that is part of an established agricultural unit, the site was not part of the established agricultural unit—
 - (i) on 24th July 2023, or
 - (ii) where the site became part of the established agricultural unit after 24th July 2023, for a period of at least 10 years before the date development under Class Q begins,

“Agricultural Unit,” is not defined in article 2(1) of the GPDO, however paragraph X of Part 3 defines an “established agricultural unit” as “agricultural land occupied as a unit for the purposes of agriculture (and which was in use for that purpose on or before the relevant qualifying date under Classes Q, R and S respectively).

Furthermore, in Part 6, “agricultural unit” is defined in paragraph D.1 as “agricultural land which is occupied as a unit for the purposes of agriculture, including —

- (a) any dwelling or other building on that land occupied for the purpose of farming the land by the person who occupies the unit, or*

(b) any dwelling on that land occupied by a farmworker

The submitted application form confirmed the site was part of an established agricultural unit on 24th July 2023. In the absence of evidence to suggest otherwise, the Council is satisfied the application complies this requirement of the GPDO.

- (b) In the case of a site that was (but is no longer) part of an established agricultural unit—
- (i) the site was part of an established agricultural unit on 24th July 2023,
 - (ii) where the site ceased to be part of an established agricultural unit after 24th July 2023, the site has not been part of the established agricultural unit for a period of at least 10 years before the date development under Class Q begins, or
 - (iii) since ceasing to be part of an established agricultural unit, the site has been used for any non-agricultural purpose,

The application form confirmed the site currently forms part of an established agricultural unit and as such paragraph (b) does not apply.

- (c) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeds 150 square metres,

The proposed floor plan (Dwg. No. 03) indicates the proposed dwellinghouse comprises a floor space of 227.42m² which exceeds 150m² and therefore does not comply. The applicant has provided a supporting statement which assesses the proposals against this criteria and states that the proposals do comply with this limit, although it is not understood how the applicant has arrived at this conclusion.

- (d) the development under Class Q, together with any previous development under Class Q, within the original limits of an established agricultural unit (see paragraph Q.3(2) of this Part) would result in—
- (i) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 10, or
 - (ii) the cumulative floor space of dwellinghouses having a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order exceeding 1,000 square metres,

As it stands, the original footprint of the agricultural unit comprises two separate dwellinghouses. However, it is noted these benefit from planning permission and were not secured under Class Q. There is no previous development under Class Q. Notwithstanding, the proposed dwellinghouse would result in one separate dwellinghouse having a

use falling within Class C3 and would not result in a cumulative floor space of dwellinghouses exceeding 1000 m².

- (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 confirmed the site is not currently occupied under any agricultural tenancy agreements. No contrary evidence has been provided or received to indicate that the site is currently occupied under agricultural tenancy.

- (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 confirmed no agricultural tenancy agreements have been terminated in the year before development is proposed to begin. The Council has no evidence in contrary to this claim, thus the requirement of this paragraph is satisfied.

- (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 during the period which is 10 years before the date development under Class Q begins,

The application form confirmed that no development has taken place on the site under Class A or B of Part 6 during the period 10 years before the commencement date for the development. The site does not include any planning history to suggest otherwise.

- (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, other than
- i. extension of the building allowed by paragraph Q.1 (i);
 - ii. protrusions of up to 0.2 metres to accommodate building operations allowed by paragraph Q.1(j)(i)

The proposed dwellinghouse would result in a front porch projection which does not meet the criteria allowed by paragraph Q.1 (i) and would result in the external dimensions of the building extending beyond the external dimensions of the existing building. It would also appear that the proposed external walls would be set over the existing walls and from the proposed plans, it appears that the external envelope of the building would protrude greater than 0.2m across all elevations. The proposed development therefore does not comply with Criterion (h).

The applicant asserts that the dimensions of the building would remain the same although this is clearly not the case.

- (i) the development under Class Q(b) would result in an extension that—
 - (i) has more than one storey,
 - (ii) is sited anywhere other than to the rear of the existing building,
 - (iii) extends beyond the rear wall of the existing building by more than 4 metres,
 - (iv) has eaves the height of which exceed the height of the eaves of the existing building
 - (v) is higher than whoever is the lower of-
 - aa. the highest part of the roof of the existing building, or
 - bb. a height of 4 metres above the ground,
 - (vi) extends beyond a wall that forms a side or principal elevation of the existing building, or
 - (vii) would be sited on land that, before the development under Class Q(b) is not covered by a hard surface that was provided on the land by virtue of any development, and-
 - aa. the hard surface was not provided on the land on or before 24th July 2023, or
 - bb. where the hard surface was provided on the land after 24th July 2023, the hard surface has not been situated on the land for a period of at least 10 years before the date development under Class Q (b) begins,

What comprises the rear of the building can be taken to be that which is not the front or side. Taking account of the guidance provided within the “Permitted development rights for householders: technical guidance,” this assessment is a matter of fact and degree.

The development would result in an extension which projects from the south-facing elevation of the building. The south facing elevation adjoins extant hardstanding and is the most visible elevation of the building upon entry into the site, providing direct access from the access road. Given that it includes the main access to the building, there are clear functional and visual indications that the south-facing elevation would be considered the front and principal elevation of the existing building, therefore not the rear. The extension does not meet point (ii) and (vi) and therefore does not comply.

- (j) the development under Class Q(c) 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(j)(i);

The National Planning Practice Guidance outlines that building works are allowed under the change to residential use. The permitted development rights under Class Q assumes that the agricultural building is capable of functioning as a dwelling. However, it recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. The right allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations.

The NPPG guidance adds that 'it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right' (Paragraph: 105 Reference ID: 13-105-20180615). In effect, it is only when the existing building is already suitable for conversion to residential that the building would be considered to have this permitted development right as it is not the intention of the right to allow rebuilding work beyond what is reasonably necessary for a conversion. Internal works are not generally development. The NPPG adds that for the building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.

*This requirement is clarified further through the case law *Hibbitt v. SSCLG* [2016] EWHC 2853 (*Hibbitt case*). The judgement found that an agricultural building must be capable of conversion to residential use without operations that would amount to complete or substantial rebuilding of the original building. Whether or not a development goes beyond the scope of conversion is a matter of fact and degree and requires an element of judgement.*

The applicant has not detailed a full schedule of the proposed building operations beyond a statement that the proposed dwelling would be contained within the same physical structure and footprint as the original dwellinghouse. Notwithstanding, an engineering report on the barn building has been submitted. The survey found the barn and shippon to be in a generally good structural condition such that satisfactory retention modifications and upgrading can take place. However, the scope of the survey merely considers the structural

integrity of the structure, whereas Class Q must consider whether the building is capable of function as a dwellinghouse.

The existing barn building is supported by timber telegraph poles with a timber structure supporting the first floor. The exterior elevation of the structure is mostly exposed and partially covered in weathered and damaged vertical timber cladding on all elevations. The lean-to shippon is supported by RSJ stanchions and topped off with a galvanised roof sheets supported by telegraph pole rafters. The south-facing elevation of the shippon is fully open, and the north-east and south-east elevation are partially open and covered with railway sleepers and metal cladding. The building as a whole can be described as skeletal and lightweight in its built form and appearance.

The proposed elevations indicate the proposed dwelling to be constructed in stone walls and cladding on the gable end of the two-storey barn building alongside the addition of window and door openings. With reference to the Hibbitt case, it is considered that, as a matter of fact and degree, the amount of building operations that would be required to convert the building into a dwellinghouse would fall beyond works comprising 'conversion' and would amount to substantial rebuilding. Notwithstanding the retention of the timber telegraph poles as potential structural elements, the proposed dwelling would require the construction of stone exterior walls and window openings on all elevations, the sum of the works would be so extensive as to comprise rebuilding.

Taken as a whole, it is considered that the works described above would go beyond building operations that are reasonably necessary to facilitate the conversion to a dwellinghouse.

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

The site is not on article 2(3) land.

(l) 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 does not form part of a SSSI, safety hazard area or a military explosives storage area.

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

The site is not, nor does not contain a scheduled monument.

(n) the building is a listed building.

The building proposed to be developed under Class Q is not a listed building.

- (o) the existing building, excluding any proposed extension under Class Q(b) but including any proposed building operations under Class Q(c), would not be capable of complying with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 as read with the notes dated 19th May 2016 which apply to it, or

The submitted floor plans indicate the proposed dwelling to be a two-storey dwelling comprising three bedrooms for up to four persons. The development would have a gross internal floor area of 193.86m² including at least 2.5m² of built-in storage which is far in excess of the minimum requirement of the nationally described space standard (NDSS).

Excluding the entryway space, the master bedroom has a minimum width of 3.89m and a floor area of 21.48m² which would comply with the minimum space standard for double bedrooms. Bedroom 1 and 2 as single bedrooms would have a minimum width of 2.56m and a floor area of 13.94m² and 13.92m² respectively and would meet the minimum requirements of the NDSS. On this basis, the proposal would comply with paragraph (o).

- (p) the building does not have suitable existing access to a public highway.

The development is sited 95m from the nearest adopted highway which is accessible via an existing hard surfaced access road. The access currently serves two other existing residential addresses on the site.

Prior Approval Matters

Under Part 3 Class Q, the developer must apply to the LPA for a determination as to whether the prior approval of the LPA will be required for the transport and highways impacts of the development, the noise impacts of the development, the contamination risks of the site, flooding risks on the site, whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to residential use, the design or external appearance of the building and the provision of adequate natural light in all habitable rooms of the dwellinghouses. They are considered in turn below, following consultations with relevant consultants where applicable.

- (a) transport and highways impacts of the development,

Paragraphs 114 and 115 of the NPPF require that safe and suitable access to a site can be achieved for all users and that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the road network would be severe.

The site is served by an established hard surfaced access road which connects to Ashworth Road, an adopted highway. Given the presence of residential dwellings in the locality, both within and adjacent to the site, it is considered the impact to highway safety would be acceptable. The submitted plans indicate sufficient space for off-street parking space, in accordance with the Council's parking standards. The Council's Highways Officer has also raised no objections to the proposal. On this basis, no concerns are had with regard to the transport and highways impacts of the development.

(b) noise impacts of the development

Paragraph 135 of the NPPF states that planning decisions should ensure that developments promote a high standard of amenity for existing and future users.

The application has not included a Noise Impact Assessment. Notwithstanding, the proposal is for a residential dwelling in a remote, rural setting and would adjoin two other existing dwellings. As such, no undue noise impact to the neighbouring properties as a result of the development has been identified.

(c) contamination risks on the site,

Paragraph 180 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 190 states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

In the event the application is acceptable on all relevant considerations, a pre-commencement condition would be attached to the decision requiring the undertaking of a Preliminary Risk Assessment prior to any works taking place.

(d) flooding risks on the site,

Paragraph 165 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

The Environment Agency Flood Map for Planning identifies the site to lie within Flood Zone 1 which has a low probability of flooding from rivers and the sea. As such, the development is not considered to be subject to flood risk. With regard to risk from surface water flooding, details of a permeable driveway can be secured via a pre-commencement condition as to mitigate any surface 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 Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and

Planning Practice Guidance states that the sustainability of a site in terms of its location is not a matter for consideration in respect of applications for prior approval under Part Q. For the purposes of Part Q in relation to impractical and undesirable, the guidance states:

“Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would “not be sensible or realistic”, and undesirable reflects that it would be “harmful or objectionable”. When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval. There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals. When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant.”

With the above in mind, it is considered that whilst located in a remote and rural location, the development would nonetheless be within close proximity to an adopted highway and maintain access to the nearest services and amenities. On this basis, the location of the development would not be considered impractical or undesirable for the change of use to a dwellinghouse.

(f) the design or external appearance of the building, and

The proposal would require substantial rebuilding of the barn structure and would comprise works including the erection of stone walls and installation of windows and roof. No details have been provided relating to the details of the materiality. Should the application be acceptable against all relevant considerations, conditions requiring material and stonework samples and specifications of fenestration would be recommended in the interest of visual amenity. Subject to conditions, the design and external appearance of the building would be acceptable.

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

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

The submitted plans indicate sufficient provision of natural light to all habitable rooms of the dwellinghouse and would be acceptable in this regard.

Other Considerations

Bats are considered 'Protected Species' under Schedule 5 of the Wildlife and Countryside Act 1981 (WCA). Regulation 9 of The Conservation of Habitats and Species Regulation 2017 states that "a competent authority must exercise their functions which are relevant to nature conservation." These functions include Part 1 of the WCA 1981.

Part 1 (9) of the WCA 1981 states that it is an offence if someone "intentionally or recklessly... damages or destroys any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection".

Greater Manchester Ecology Unit has been consulted on this application and is satisfied no further surveys are required for the proposed development. Standard advice relating to protected species has also been attached. The LPA is therefore satisfied the proposal would not result in undue ecological impacts to protected species.

With regard to neighbour representation, the proposed development is strictly assessed according to the relevant criteria and conditions under Class Q, Part 3 of Schedule of the GPDO. Concerns relating to highways and flood risk impacts have been considered under points (a) and (d) of the prior approval matters.

RECOMMENDATION: REFUSE

1. The proposal does not constitute permitted development by virtue of non-compliance with the requirements of Criterion (c), (h), (i) and (j) of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the plans indicate that **floor space of the dwellinghouse under Class C3 would exceed 150 square metres. The development would also** result in the extension of the building beyond those allowed under paragraph Q.1 (i) and result in the external dimensions of the building extending beyond the external dimensions of the existing building. The proposed building operations would also be beyond those that are reasonably necessary to facilitate the conversion to a dwellinghouse and would comprise substantial rebuilding of the original building.

Notes for Applicant:

For the avoidance of doubt, this Decision Notice relates to the following plans and documents:

- Location Plan – received 14/05/2025
- Existing Floor Plans – drawing no. 01 received 14/05/2025
- Existing Elevations – drawing no. 02 received 14/05/2025
- Proposed Floor Plans – drawing no. 03 received 14/05/2025
- Proposed Elevations – drawing no. 04 received 14/05/2025

Report Author Sam Yuen