

APPLICATION NUMBER: 24/00872/PRA56

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

24/00872/PRA56

CASE OFFICER

Sam Yuen

DETERMINATION DATE 02.12.2024 EXT OF TIME

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

Proposal: Prior approval for change of use of existing barn to residential dwelling

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?	N

EIA	Screening opinion completed and saved to Onbase?	N
-----	--	---

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:02/12/2024

SITE

The application relates to the eastern part of the main building of Greengate Hill Farm, a group of barn buildings set amongst open farm land to the north of Heywood. Much of the existing building 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 of stonework and redbrick construction. The site is accessible via an access road from Ashworth Road, an adopted highway circa 73m to the south. Within the wider vicinity lies Sandyford Farm circa 100m to the south, which also comprise 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:

- ② Insertion of a window and sill and infilling of stonework to the existing opening to the south-west elevation;
- ② Addition of 4no. roof lights to the south-west facing roof slope;
- ② Infilling of stonework to the previously-bricked up openings to the south-east elevation;
- ② Insertion and replacement of windows and associated infilling of brickwork to the infilled concrete blockwork openings to the north-east elevation; and
- ② Addition of 1no. roof light to the north-east facing roof slope.

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

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

Greater Manchester Ecology Unit (GMEU)

The applicant's ecologist has recommended two emergence surveys, which have not been submitted alongside the application. Considering these surveys cannot now be completed until May 2025, GMEU would not advise the application is granted Prior Approval.

Highways and Engineering

There is adequate space within the grounds of the existing property to accommodate any additional vehicles stored with the additional dwelling. The expected volumes of traffic associated with this proposal are minimal.

No road safety concerns are had at this location.

Highways therefore have no objection to this proposal.

Environmental Health - Noise/Odours

Environmental Health has no objections to the proposal.

Lead Local Flood Authority/Drainage

No comments received at the time of writing.

REPRESENTATIONS

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

- The building forms part of a farm with 8 vehicles in regular use, is still viable for agricultural use and does not warrant conversion.

ANALYSIS

Greater Manchester Ecology Unit have been consulted on this application and have recommended that a preliminary bat survey is carried out by a suitably qualified ecologist prior to the development taking place. 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". As mentioned above, bats are protected under Schedule 5 of the WCA 1981.

As the applicant has not carried out a comprehensive bat survey prior to development, the LPA cannot disregard the presence of bats within the building. It is the responsibility of the LPA as a competent body to ensure the protection of bats, and therefore the application is refused in the interests of maintaining their positive conservation status.

Notwithstanding, an assessment of the relevant matters is provided below.

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 floor space of the proposed dwellinghouse would not exceed 150m².

- (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 are no previous developments under Class Q. Notwithstanding, the proposed dwellinghouse would result in three separate dwellinghouses 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)

No development would result in the external dimensions of the building extending beyond the external dimensions of the existing building.

- (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,

The development does not comprise an extension therefore the requirements of paragraph (i) does not apply.

- (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. Notwithstanding, an assessment has been made on the findings of the submitted engineering report. The survey has found the barn building to be in a generally good structural condition such that satisfactory upgrading can take place. The report has found minor losses of bed coursing and localised losses of vertical alignment which were not deemed to be structurally significant and can be repaired through repointing with a Lime based mortar and using specialist crack stitching grout. No issues have been identified with regard to the condition of the traditional roof construction.

It is noted the submitted proposed plans indicate works to extend the raised steps to an existing patio area. Whilst not explicitly described within Class Q as works reasonably necessary for conversion, works to

facilitate access to the property would be viewed as part and parcel to the conversion of the barn building and would not be considered unreasonable works.

Taken as a whole, it is considered that the works described above, along with installation of necessary services, 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 two bedroom for three persons. The development would have a gross internal floor area of 101.79m² including 2m² of built-in storage which is in excess of the minimum requirement of the nationally described space standard.

Excluding the entryway space, Bedroom 1 has a width of 3.71m and a floor area of 19.37m² which would comply with the minimum space standard for double bedrooms. Bedroom 2 as a single bedroom would have a minimum width of 2.18m and a floor area of 7.38m², which marginally falls short of the space standard. However, in considering whether the dwelling would be “capable” of complying with the NDSS, regards have been had to the overall floor space of the dwelling, which

exceeds the minimum requirement and is considered to be able to accommodate space for a single bedroom which complies with 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 73m 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. The Council's Environmental Health Officer has raised no objections to the application.

(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 proposed works comprise of alterations to fenestration and the infilling of existing openings and would be sympathetic to the existing material palette. Notwithstanding its apparent domestic appearance, the siting and sizing of windows are considered to be proportionate to the existing fenestration. Should the application be acceptable against all relevant considerations, conditions requiring material 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.

RECOMMENDATION: REFUSE

1. The applicant has failed to carry out a comprehensive bat survey of the building subject to conversion. Bats are protected species under the Wildlife and Countryside Act. Regulation 9 of the Conservation of Habitats and Species Regulation 2017 requires a LPA to exercise their functions as a competent body, including Part 1 of the WCA 1981 which states that it is an offence to intentionally or recklessly damage a building which contains a protected species as identified under Schedule 5. In the absence of such information, it cannot be conclusively determined that the proposals would not cause harm to this protected species. The proposed development would therefore be in contrary to the requirements of the adopted Rochdale Core

Strategy, the adopted Places for Everyone Joint Development Plan and the National Planning Policy Framework.

Notes for Applicant:

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

- Location Plan – received 04/09/2024
- Proposed Site Plan – received 04/09/2024
- Existing Floor Plans – Drawing No. 01 received 04/09/2024
- Existing Elevations – Drawing No. 02 received 11/10/2024
- Proposed Floor Plans – Drawing No. 03 received 04/09/2024
- Proposed Elevations – Drawing No. 04 received 04/09/2024
- Engineering Report ref: 8874 by Michael Pooler Associates Limited – dated 11/04/2023
- Inspection & Assessment in Relation to Bats & Breeding Birds ref: PR-0042-24 by Tyrer Ecological Consultants Limited – dated 12/04/2024

Report Author Sam Yuen