

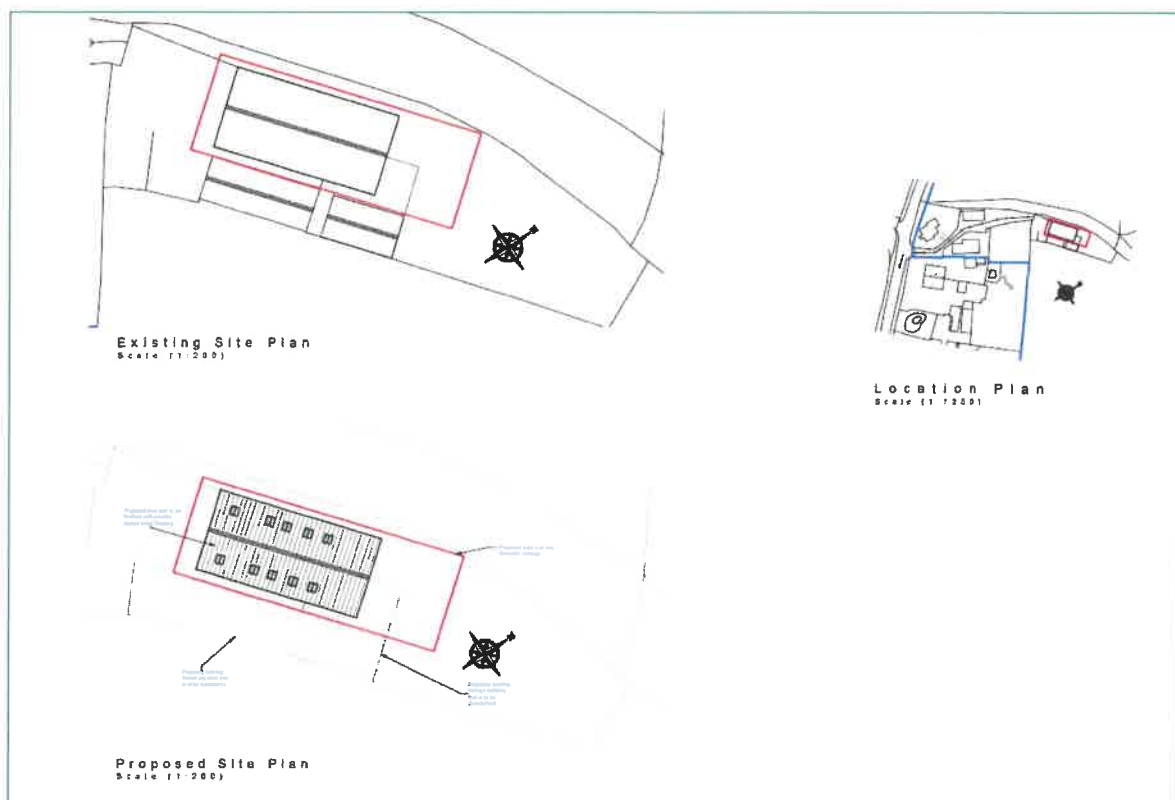


## APPELLANT'S STATEMENT OF CASE

### Section 78 Town and Country Planning Act 1990

4th May 2021

Appeal by Mr Anthony Davies ("The Appellant") against the refusal of Ribble Valley Borough Council ("The LPA") to grant prior approval under Class Q (Agricultural Buildings to Class C3 Dwellinghouses) of Part 3 of Schedule 2 of the Town and Country Planning (England) (General Permitted Development) Order 2015 for the Proposed change of use from agricultural building to one dwelling and associated operational development.



**Pinfold Farm, Preston Road, Ribchester, PR3 3YD**

Prepared by MacMarshalls Rural Chartered Surveyors & Planning Consultants



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## **1. SITE INTRODUCTION**

- 1.1. This Appeal has been prepared and submitted on behalf of the Appellant against the refusal notice issued by Ribble Valley Borough Council ('the LPA') on the 23rd February 2021 under planning application number 3/2021/0096. The prior notification application was made under Class Q (Agricultural Buildings to Class C3 Dwellinghouses) of Part 3 of Schedule 2 of the Town and Country Planning (England) (General Permitted Development) Order 2015, for a proposed change of use from agricultural building to one dwelling and associated operational development.
- 1.2. This Appeal relates to the land shown edged red on the Site Plan, hereinafter referenced as the "appeal site". All the Appellant's adjoining owned land is shown edged blue on the submitted Location Plan (on the same sheet as the Site Plan).
- 1.3. The appeal site is known as building at Pinfold Farm, Preston Road, Ribchester, PR3 3YD and extends to 324m<sup>2</sup>. Currently, the site consists of a fully enclosed steel portal framed agricultural building and curtilage. It's walls are constructed of concrete blocks to 1.5m high, clad in yorkshire boards. The front western elevation has a sliding steel door and the pitched roof is covered in concrete cement roof sheets. Up until March 2011, the building was used as part of Pinfold Farm's unit to house sheep and now they seek to change the use of the building for the applicant's family member to live in.

## **2. CHANGES TO THE APPLICATION DURING THE LPA DECISION PERIOD**

- 2.1 No changes were made to the application during the LPA decision period.

## **3. THE LPA's REASONS FOR REFUSAL**

- 3.1. The Application was decided via delegated decision.
- 3.2. The reason stated in the LPA's refusal notice for planning application 3/2021/0096 is:

*'The external appearance of building, having particular regard to overall design, external materials and fenestrational arrangement would result in the introduction of a proposal of an overtly suburban character which would be read as an anomalous, incongruous and discordant introduction which would be visually incompatible with and unsympathetic to its rural surroundings in conflict with the requirements of the National Planning Policy Framework and Q.2(f) of the Town and Country Planning (General Permitted Development) (England) Order 2015.'*

- 3.3. An officer's delegated report was requested by the applicant, however the LPA confirmed that none had been produced as it was a technical assessment against the GDPO. This is contrary to the reason for refusal, which references the NPPF.



- 3.4. In addition, after the decision notice was issued, the agent emailed the planning officer on two occasions to attempt engagement on the reason for refusal (copies of correspondence at Appendix 1). The agent stated,

*'I have been instructed to submit an appeal for the above Class Q refusal. Prior to submitting the statement of case, it would be helpful to understand your reasoning better, as the reason given on the decision notice is generic and not site specific. In particular, can you respond to the cited class Q appeals that were set out in the submitted statement? Can you explain why your assessment differs from these please? I understand that you did not produce an officer report detailing your assessment?'*

- 3.5. No response has been received to the above emails. The LPA have not commented on any of the cited cases and appeal decisions contained within the planning statement. Accordingly, with the lack of an officer's report or correspondence on the matter, the Applicant does not know exactly how the LPA has reached their conclusion that the external appearance of the building makes it incongruous to the area, or the other elements of refusal cited. The current appeal submissions address the Applicant's case.

#### **4. RELEVANT PLANNING POLICY AND GUIDANCE**

- 4.1. The Site is designated in the Open Countryside. However, the proposal is to be assessed against the National Planning Policy Framework and Q.2(f) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (class Q).

#### **5. APPELLANTS GROUNDS OF APPEAL**

- 5.1. The LPA's reason for refusal is rebutted. It is assumed that all other elements of the proposal are considered acceptable to the LPA. Therefore, I only provide comments on the reason for refusal. Commentary on other aspects of the proposal can be found in the submitted original planning statement (at Appendix 2).

- 5.2. For the reasons stated in this statement of case, it is considered the proposal accords with Q.2(f) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

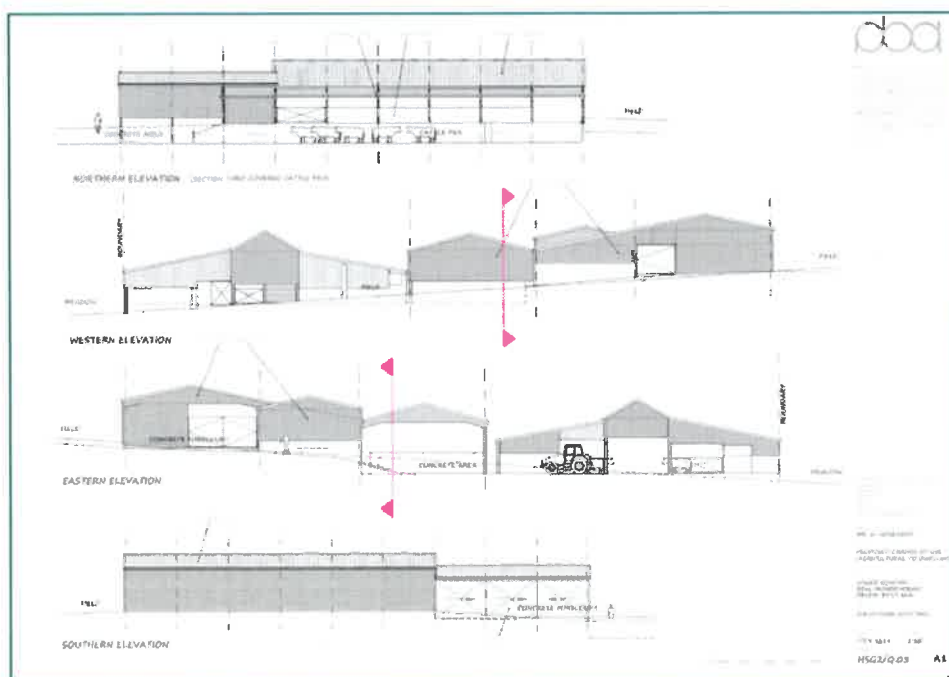
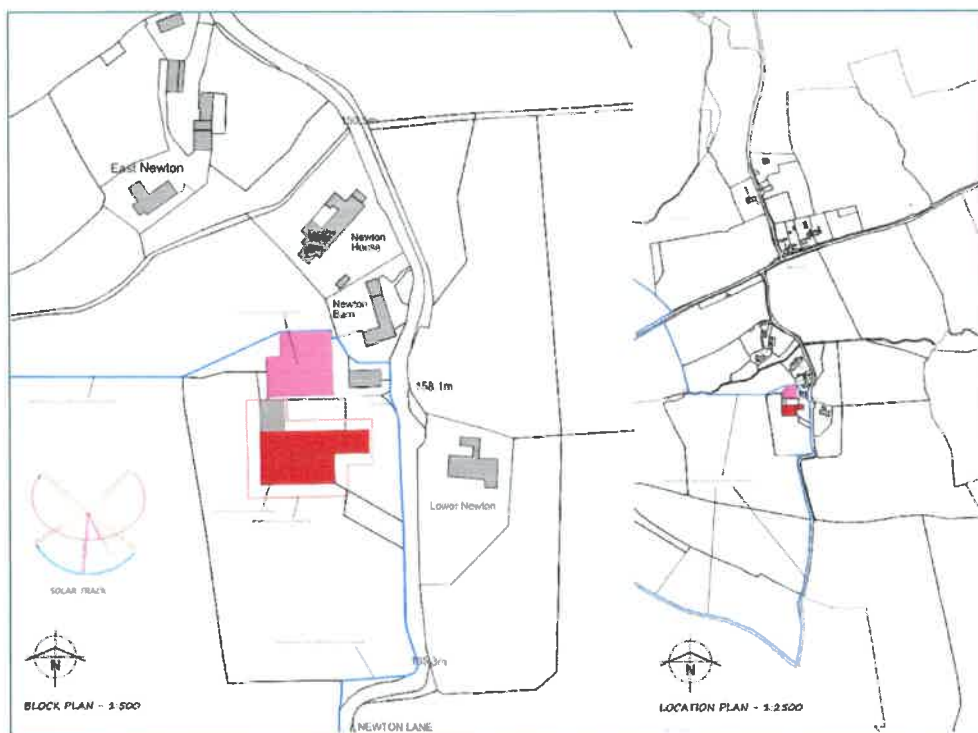
**5.3. Proposition 1 - The design and external appearance of the building is in keeping with the character of the area and it does not conflict with the NPPF or Class Q criteria.**

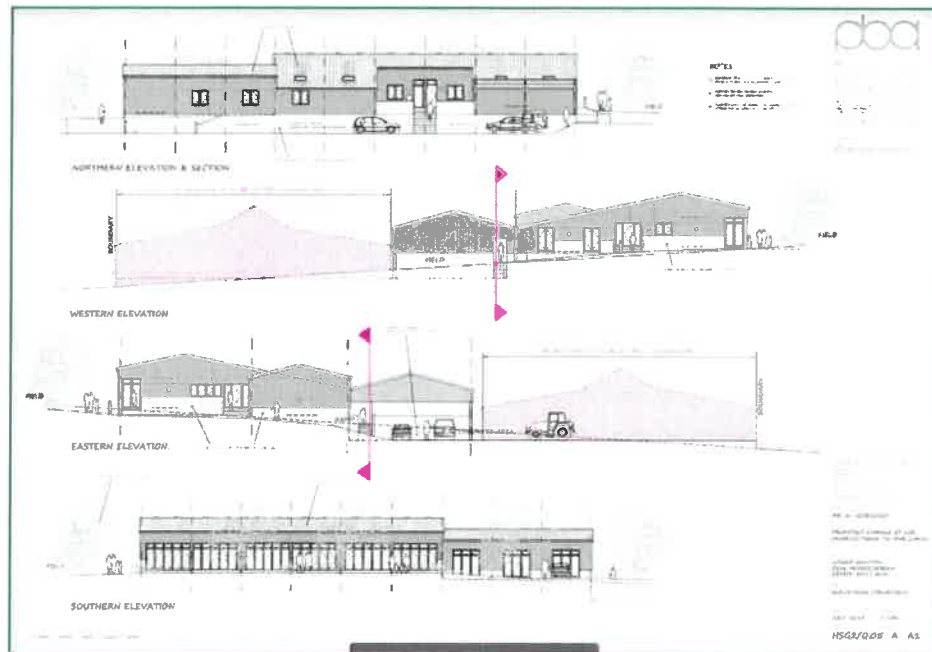
- 5.3.1. Q.2(f) of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows the Local Authority to determine whether prior approval of the authority is required as to the design and external and appearance of the building. Minimal changes to the external appearance of the building are proposed as shown on the submitted plans. The proposed use of louvers illustrated on the proposed elevations ensure these openings look part of the cladding from a distance and minimise the glazed areas. Window and door openings have been kept to a minimum. The main glazed



section takes reference from the existing barn door opening to one gable end and this is replicated at the other. The barn is already clad in timber boards (yorkshire boarding), which the proposed cladding seeks to replicate. Accordingly, with the reduced and altered openings and the incorporation of further timber cladding, the proposed building design and external appearance will result in minor changes that are in keeping with the existing building and other agricultural buildings of this nature in the vicinity. The proposal safeguards the character and appearance of the area. This opinion is evidenced below.

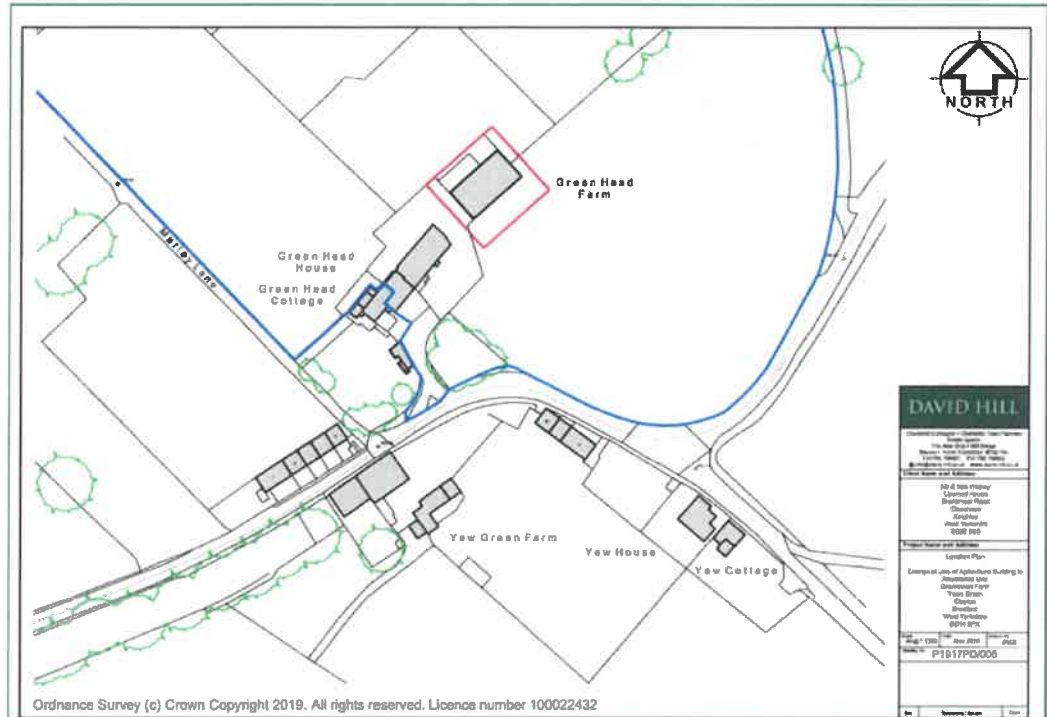
- 5.3.2. Our conclusions on the design and external appearance of the current proposal are backed up by a number of Class Q decisions relating to these matters that have been explored and assessed at appeal. The most recent appeal dealing with this matter was APP/Y1138/W/20/3244988 within the Mid Devon District Council location. It involved a range of connected steel portal framed agricultural buildings, much bigger than the subject site. The design and appearance in relation to the impacts on nearby listed buildings were also considered as an added factor. You can see from the submitted approved existing and proposed elevations, and the appeal decision all contained in Appendix 3 (with extracts below), that the approved building operations included replacement cladding and additional glazing in the form of windows and doors. These far exceed the amount of openings included in the current proposal. The location plan shows the appeal site location and position is comparable, being in a rural area close to a cluster of dwellings (including listed buildings in the appeal case). Accordingly, if greater changes within close proximity of a listed building still result in the design and external appearance of the proposal being acceptable, then it can reasonably be concluded that the current proposal is acceptable to the character and appearance of the site and its immediate area.



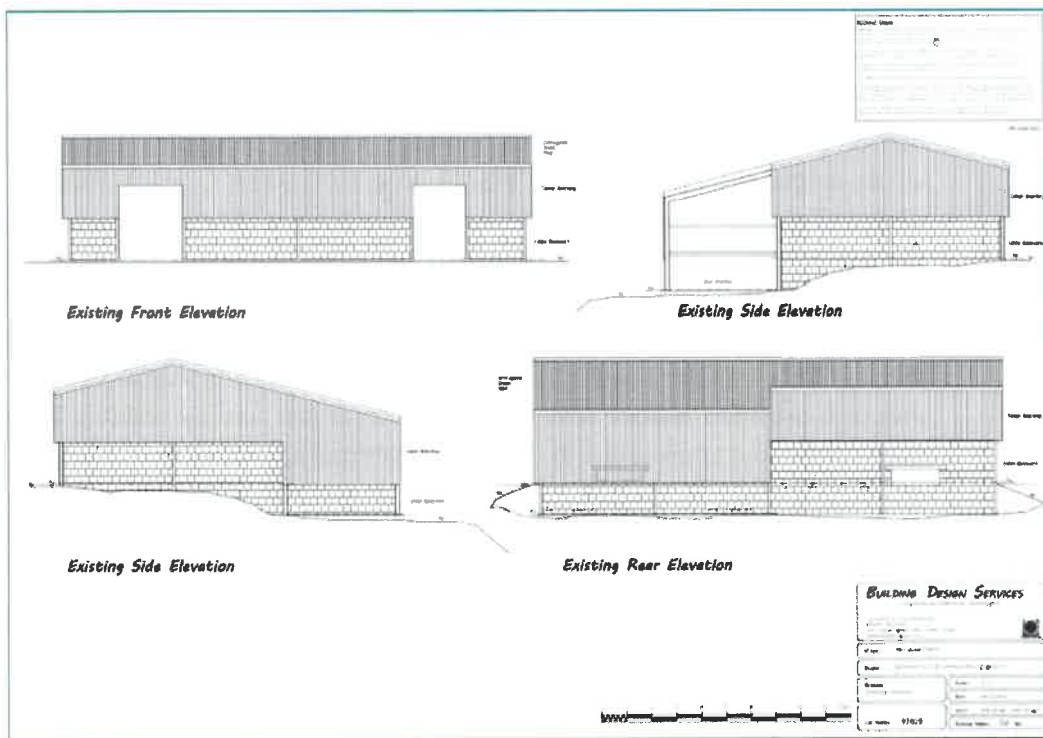
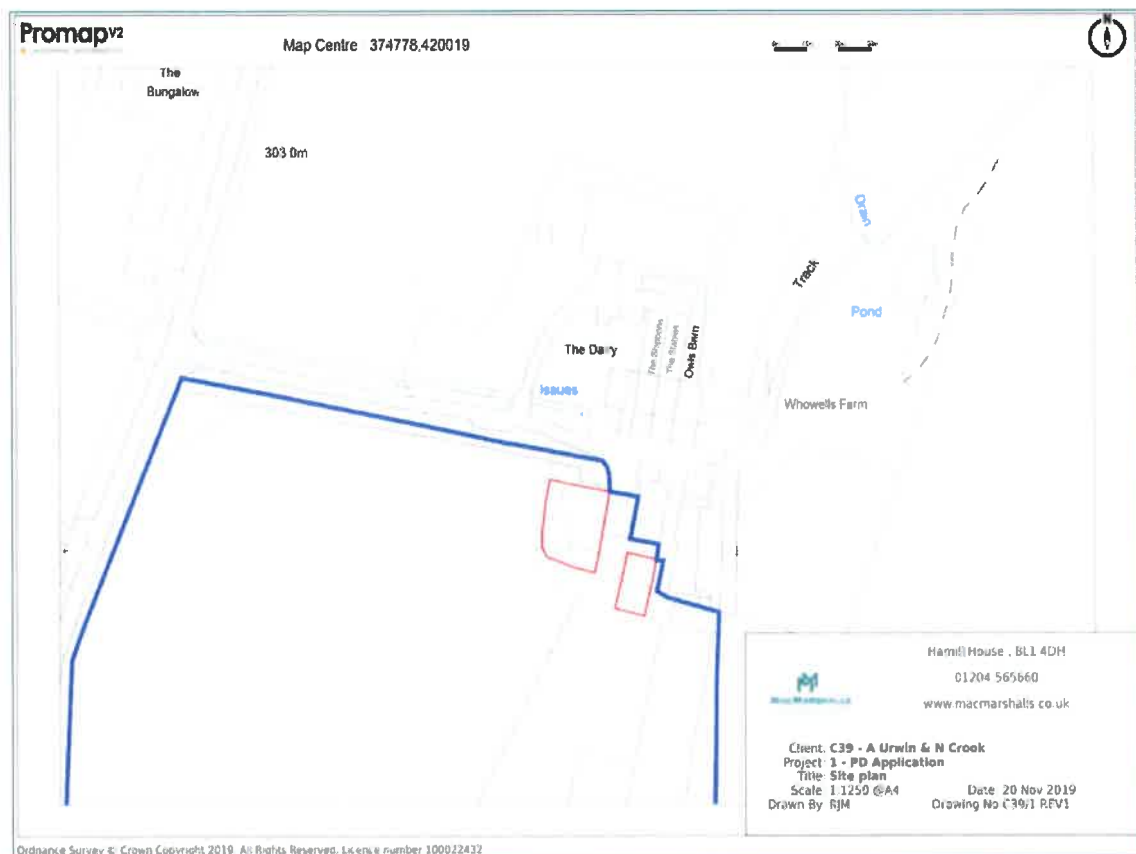


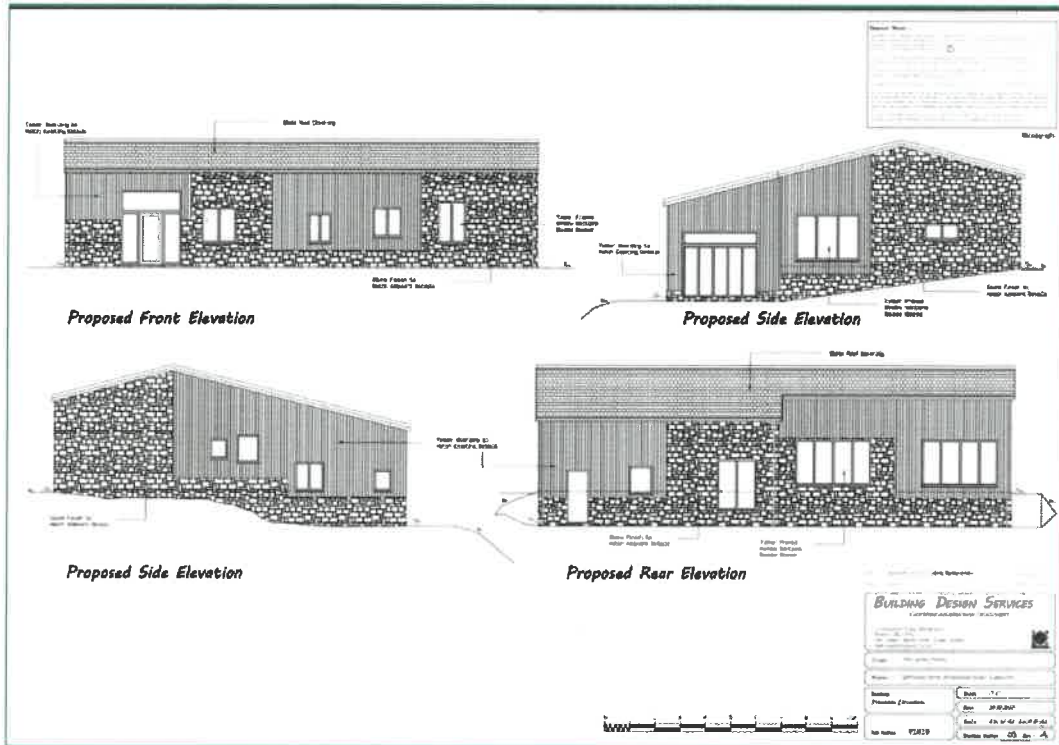
- 5.3.3. A second recent, referenced appeal where design and external appearance were considered is within the City of Bradford Metropolitan District Council area (APP/W4705/W/20/3250397). Extracts of the plans are shown below and full copies of them and the appeal decision are within Appendix 4. The proposed plans are good comparables. The existing building consisted of a steel portal frame, concrete panels with timber boards over. It was open fronted to the gable end, with all other sides enclosed and no other existing openings. The proposal introduced a vast amount of glazing on two sides. Paragraph 18 of the appeal decision states that the proposal retains much of its agricultural form, as the current proposal would. Again, this appeal considered the character and appearance of the area would be maintained, in addition to not harming the setting of a nearby listed barn that recently gained consent for residential conversion.



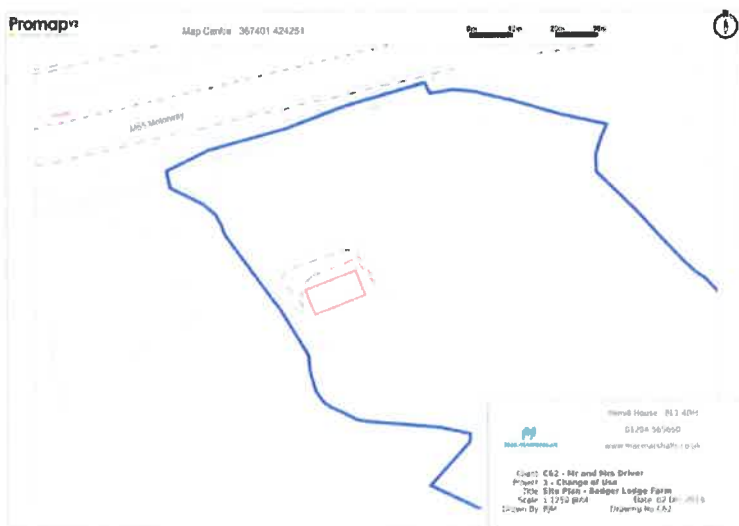
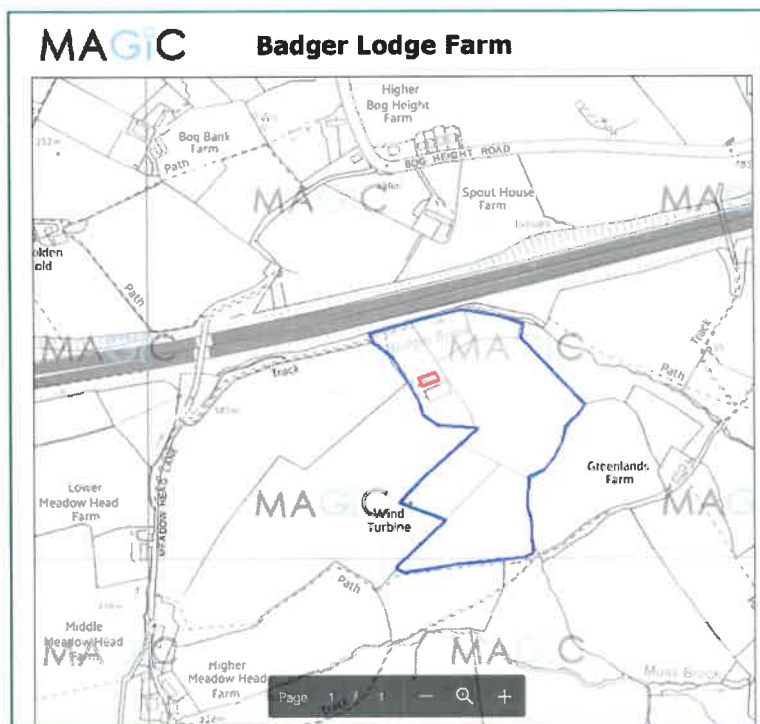


5.3.4. There are also countless approved and appealed (allowed) decisions that are of similar design and appearance (clad steel portal framed structures where openings have been added and cladding replaced), in similar locations to the subject proposal where design and appearance of the proposal were not considered to be an issue by either party and are therefore not even mentioned. These were all assessed against the class Q criteria and design and appearance were considered to be acceptable for the area (similar to that of the current application). I have referenced two comparable approved proposals in the neighbouring authority of Blackburn with Darwen Council. These are of similar design in similar locations. The first were two barns adjoining a cluster of dwellings in the Green Belt. The second has now been built out and completed and was in an open area not close to existing houses. Extracts of the plans for the first building at the first site are shown below. Full versions of the plans and decision notice are at Appendix 5. The existing buildings consisted of concrete block, clad with timber boards. The approved proposal provided replacement cladding with timber and stonework. These proposals were considered appropriate in design and external appearance.





5.3.5. Extracts of the second example of an approved class Q barn are shown below (full details at Appendix 6). This building is in a more rural position than the current proposal. It is not close to other houses, being in a remote position. The character is defined by rolling agricultural land and pockets of farms and rural property. The proposal to convert this building with additional glazed elements, additional concrete blocks and timber elements within a residential curtilage was approved and has now been fully constructed. It sits well in the local area, with a neutral impact on the character of the area where assessing the proposed against the existing. I have included a photo showing the unconverted and completed barn so you can see the conversion is very sympathetic in design and appearance (the new timber will grey and weather over time like the unconverted version). In these respects, the subject conversion would be very similar.





Section 78 Appeal - Pinfold Farm, Preston Road, Ribchester, PR3 3YD

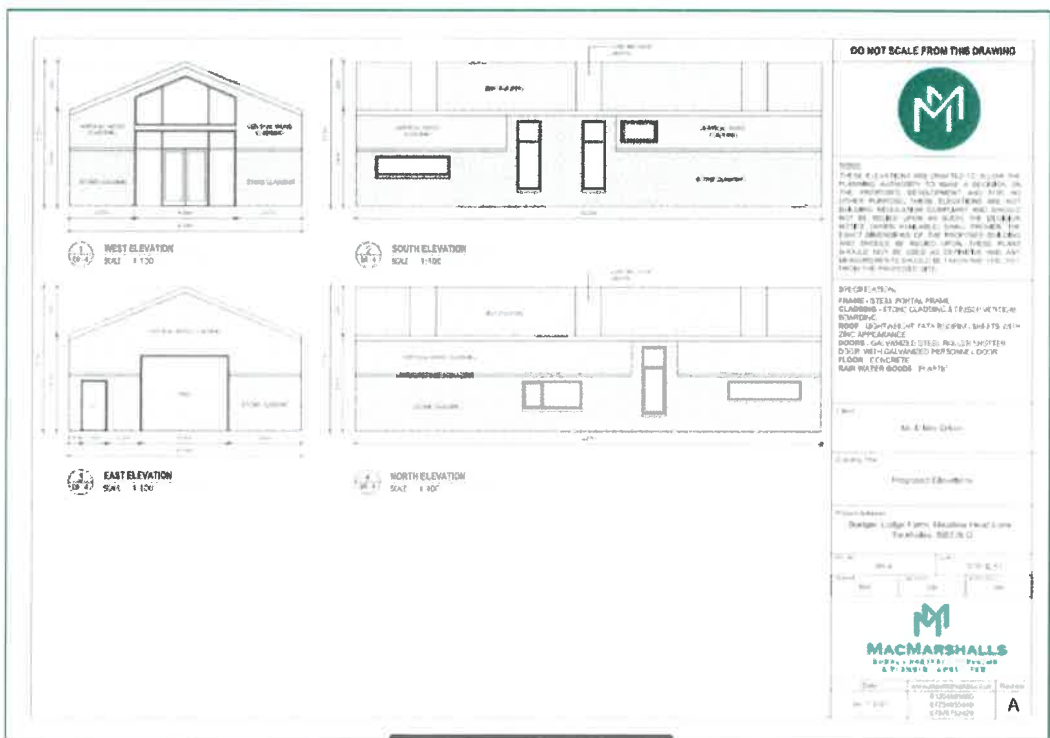




Photo of Completed Class Q conversion



- 5.3.6. There are a huge number of similar styles of agricultural buildings in the Ribble Valley, which the finished proposal will compare with. The character of the proposals will remain agricultural. Just across the road from Pinfold Farm, to the south east is a large range of agricultural buildings, older, but of similar style and full clad in timber. These are shown on the aerial below.



5.3.7. Since the application was decided, it is apparent that the LPA have recently considered a similar Class Q prior notification application (3/2020/1042) at Horton Grange Farm. A full set of planning drawings and planning statement submitted with the application are submitted at Appendix 7 to provide the Inspector enough information to compare with the appeal proposal. Both the appeal application and this appeal were considered by the same case officer. The LPA chose not to issue a decision notice for the Horton Grange Farm application. The agent has been in contact with the agent for the Horton Grant application to confirm the position. Her email response is at Appendix 8. She confirmed that the planning officer had not responded and that she had advised her client that given 56 days had passed since the application was submitted, they can continue with the development. Under the procedure for applications for prior approval under Part 3, paragraph W, 11 c, the development is only prevented from proceeding with the development, on 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. Accordingly, it is implied that the LPA considered the Horton Grange Farm to be compliant with the Class Q criteria. The case *R (Midcounties Co-Operative Limited) v Forest of Dean District Council [2017] EWHC 2050* highlights the importance of consistency in planning decisions and the need for clear reasons to be given where inconsistencies arise. The LPA have chosen not



to comment on the previous decisions set out in the original application and now there is the additional proposal in the same LPA. The Horton Grange Farm class Q included proposed timber larch wall cladding and profiled metal cladding to the roof. This compares with the appeal proposal. Therefore, refusing prior approval for the appeal proposal is inconsistent with the Horton Grange class Q development.



## 6. CONCLUSION

- 6.1. The Appeal should be allowed for the following reasons:
- 6.1.1. The proposal meets all the criteria set out in Class Q.
  - 6.1.2. Previous cited appeal decisions and cases are material considerations in the assessment against class Q criteria. The examples given reinforce the agent' assessment and the LPA have not provided any comments to contradict this.
- 6.2. For the reasons set out in this Statement of Case we respectfully request the Planning Inspector to allow this appeal.

## 7. LIST OF APPENDED DOCUMENTS

- |            |   |
|------------|---|
| Appendix 1 | Copy correspondence from the agent to the LPA.  |
| Appendix 2 | Planning Statement dated 26th January 2021 submitted with the original prior notification application |
| Appendix 3 | Appeal decision and plans - APP/Y1138/W/20/3244988  |
| Appendix 4 | Appeal decision and plans - APP/W4705/W/20/3250397  |
| Appendix 5 | decision notice and plans 10/19/1114  |
| Appendix 6 | decision notice and plans 10/19/1175  |
| Appendix 7 | 3:2020:1042 planning statement and plans  |
| Appendix 8 | email re 3:2021:0096 Class Q agent  |

**Produced & signed by: Sophie Marshall BSc (Hons) PGDipSurv MRTPI MRICS FAAV**

MacMarshalls Rural Chartered Surveyors & Planning Consultants

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Ref: C175/2 Statement of Case V1 issued 01.04.21

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Sophie Marshall &lt;sophie@macmarshalls.co.uk&gt;

### 3/2021/0096 - Class Q - Pinfold Farm

Sophie Marshall <sophie@macmarshalls.co.uk>

15 March 2021 at 08:08

To: Stephen.Kilmartin@ribblevalley.gov.uk

Good morning Stephen

Have you had a chance to consider my last email of 5th March? Are there any further comments/explanations for the reason for refusal before I submit the appeal?

Kind regards

Sophie



**Sophie Marshall BSc (Hons) PGDipSurv MRTPI MRICS FAAV**

Director | **MacMarshalls Rural Chartered Surveyors & Planning Consultants**

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**E:** sophie@macmarshalls.co.uk **W:** www.macmarshalls.co.uk



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On Fri, 5 Mar 2021 at 12:00, Sophie Marshall <sophie@macmarshalls.co.uk> wrote:

Good Morning Stephen

I have been instructed to submit an appeal for the above Class Q refusal. Prior to submitting the statement of case, it would be helpful to understand your reasoning better, as the reason given on

the decision notice is generic and not site specific. In particular, can you respond to the cited class Q appeals that were set out in the submitted statement? Can you explain why your assessment differs from these please? I understand that you did not produce an officer report detailing your assessment?

I am looking to submit the appeal by the end of next week and your comments would be appreciated before then.

Kind regards

Sophie



**Sophie Marshall BSc (Hons) PGDipSurv MRTPI MRICS FAAV**

Director | **MacMarshalls Rural Chartered Surveyors & Planning Consultants**

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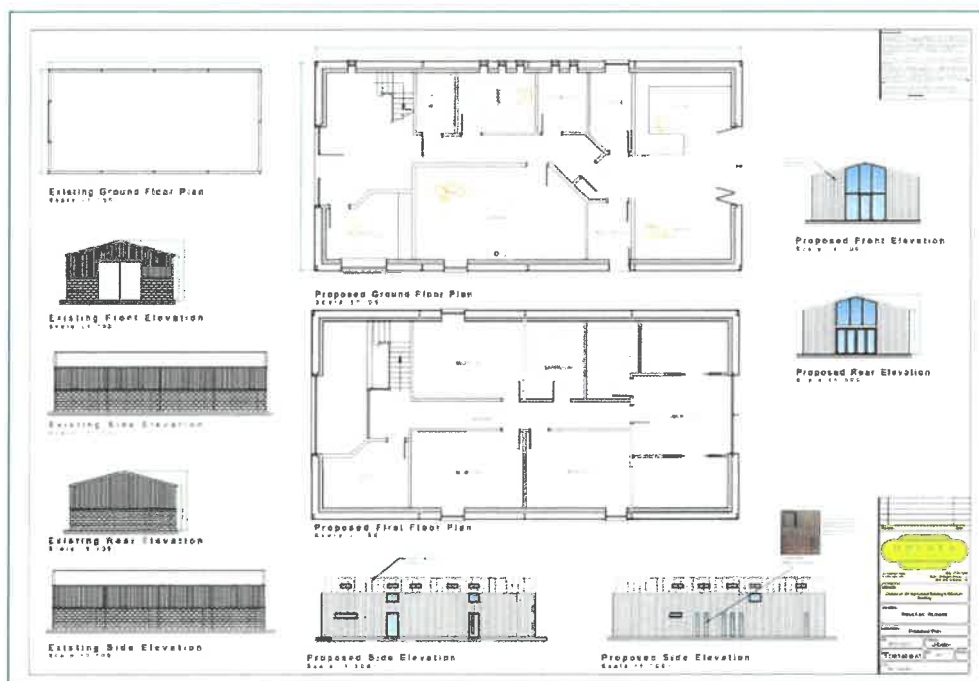
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## PLANNING STATEMENT

26th January 2021

A REQUEST AS TO WHETHER PRIOR APPROVAL IS REQUIRED, AND IF IT IS, IF IT IS GIVEN, IN RESPECT OF THE CHANGE OF USE OF A BUILDING FROM AGRICULTURE TO A USE FALLING WITHIN CLASS C3 (DWELLING HOUSES) UNDER CLASS Q OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015



Pinfold Farm, Preston Road, Ribchester, PR3 3YD

Prepared by MacMarshalls Rural Chartered Surveyors & Planning Consultants.

On behalf of Mr A Davies



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3.	The Previous Class Q Application (December 2020) & Challenge To The Reasons For Decision	Page 3
4.	Conformity with the GPDO	Page 8
6.	Highways, Noise, Contamination & Flooding	Page 11
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**Appendix 1 - Decision notice and approved plans for appeal APP/Y1138/W/20/3244988**

**Appendix 2 - Decision notice and approved plans for appeal APP/W4705/W/20/3250397**

**Appendix 3 - Decision notice and approved plans for approval 10/19/1114**

**Appendix 4 - Decision notice and approved plans for approval 10/19/1175**



## 1. INSTRUCTIONS

- 1.1. MacMarshalls are instructed on behalf of Mr A Davies, herein referred to as the Applicants, to submit a request for prior approval for the change of use of a building and curtilage from a use as an agricultural building to a use falling within class C3 (dwelling Houses), under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The site is at Pinfold Farm, Preston Road, Ribchester, PR3 3YD.
- 1.2. This planning statement, including appendices accompanies a submission to Ribble Valley Borough Council.
- 1.3. No pre application advice has been sought, however we are in receipt of the reasons for refusal within the last prior approval Class Q decision. The statement addresses those reasons for refusal, in addition to other matters that are relevant to the 2015 (as amended) Order.

## 2. THE BUILDING & PROPOSED DEVELOPMENT

- 2.1. The proposal is for the change of use of an agricultural building within the existing yard at Pinfold Farm. Up until March 2011, the building was used as part of Pinfold Farm's unit to house sheep and now they seek to change the use of the building for the applicant's family member to live in.
- 2.2. The building to be converted is a fully enclosed, detached steel portal framed barn. It's walls are constructed of concrete blocks to 1.5m high, clad in yorkshire boards. The front western elevation has a sliding steel door and the pitched roof is covered in concrete cement roof sheets.

## 3. THE PREVIOUS CLASS Q APPLICATION (DECEMBER 2020) & CHALLENGE TO REASONS FOR DECISION

- 3.1. A previous prior approval application was submitted last year (Ref: 3/2020/0855). The LPA issued a decision stating the development was not considered to be permitted development under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 3.2. The given reasons were:
  - 3.2.1. **REASON 1** - *'The building operations proposed to facilitate the conversion of the 'Redundant Pig Shed' go beyond those covered under the provisions of Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015'*



3.2.2. **REASON 2** *'The proposed curtilage associated with the proposed conversion(s) exceeds that which is allowed under paragraph X of Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.'*

3.2.3. **REASON 3** *'The external appearance of the building to be converted, having particular regard to overall design, external materials and fenestration would give the building an overtly suburban character which would transform its existing appearance to one which would be incompatible with and unsympathetic to its rural surroundings in conflict with the requirements of the National Planning Policy Framework and Q.2(f) of the Town and Country Planning (General Permitted Development) (England) Order 2015.'*

### **3.3. REASON 1**

3.3.1. The pig shed referred to is not included in this application, therefore it is not relevant to the current application. For information, the building is to be demolished, being the subject of a separate prior approval to demolish the building. Accordingly, no demolition is proposed as part of this Class Q application.

### **3.4. REASON 2**

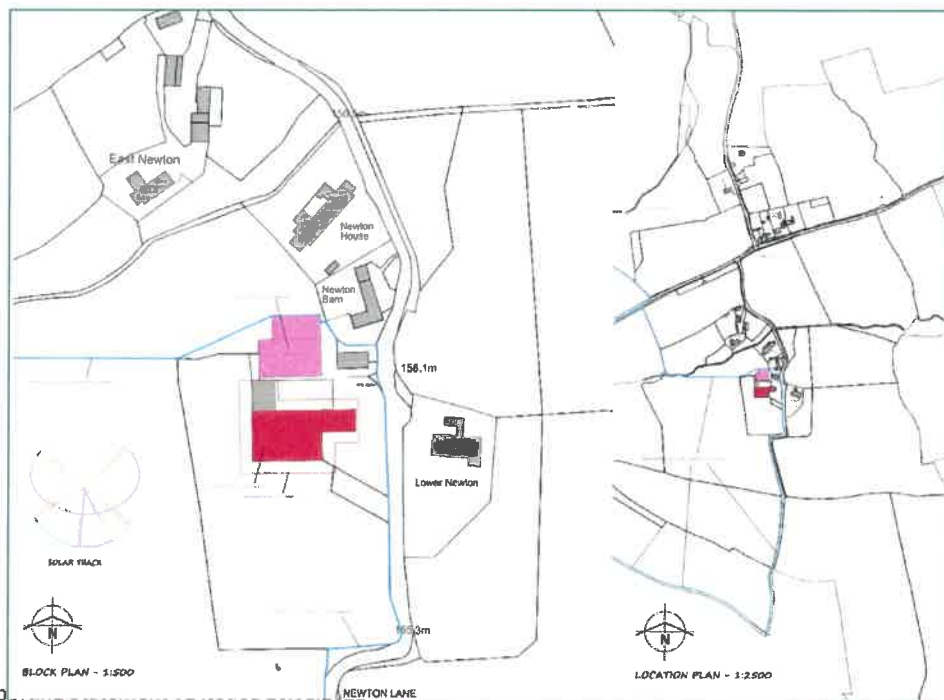
3.4.1. The current application incorporates a revised curtilage. As stated in section 3.3.1 above, the pig shed is now excluded from the application. The proposed curtilage is no larger than the area occupied by the existing agricultural building and it is the area of land immediately around the building. The footprint of the building is 162m<sup>2</sup> and the curtilage outside of this footprint is 162m<sup>2</sup>. Accordingly, the proposed curtilage is now fully compliant with the interpretation of curtilage as defined by Section X of Part 3 of the Order. Reason 2 has therefore been addressed within this resubmission.

### **3.5. REASON 3**

3.5.1. Q.2(f) of the *Town and Country Planning (General Permitted Development) (England) Order 2015* allows the Local Authority to determine whether prior approval of the authority is required as to the design and external appearance of the building. The exterior cladding of the proposed development has altered since the original submission. Minimal changes to the external appearance of the building are proposed as shown on the submitted plans. The proposed use of louvers illustrated on the proposed elevations ensure these openings look part of the cladding from a distance and minimise the glazed areas. Window and door openings have been kept to a minimum. The main glazed section takes reference from the existing barn door opening to one gable end and this is replicated at the other. The barn is already clad in timber boards (yorkshire boarding), which the proposed cladding seeks to replicate. This differs from the original submission that added stone walls. Accordingly, with the reduced and

altered openings and the incorporation of further timber cladding, the proposed building design and external appearance will result in minor changes that are in keeping with the existing building and other agricultural buildings of this nature in the vicinity. The proposal safeguards the character and appearance of the area. This opinion is evidenced below.

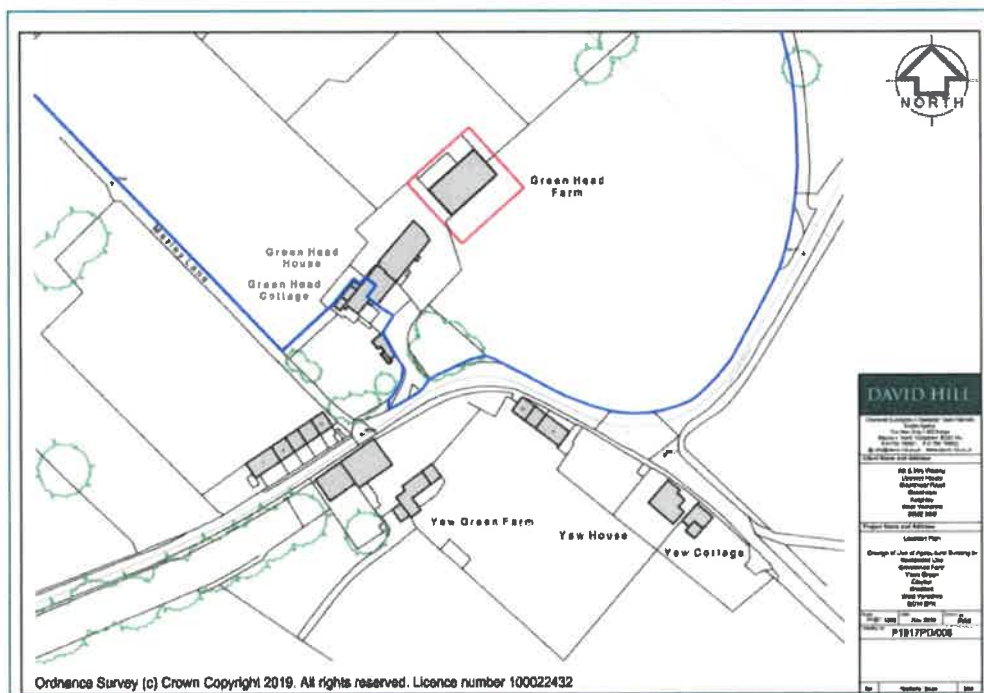
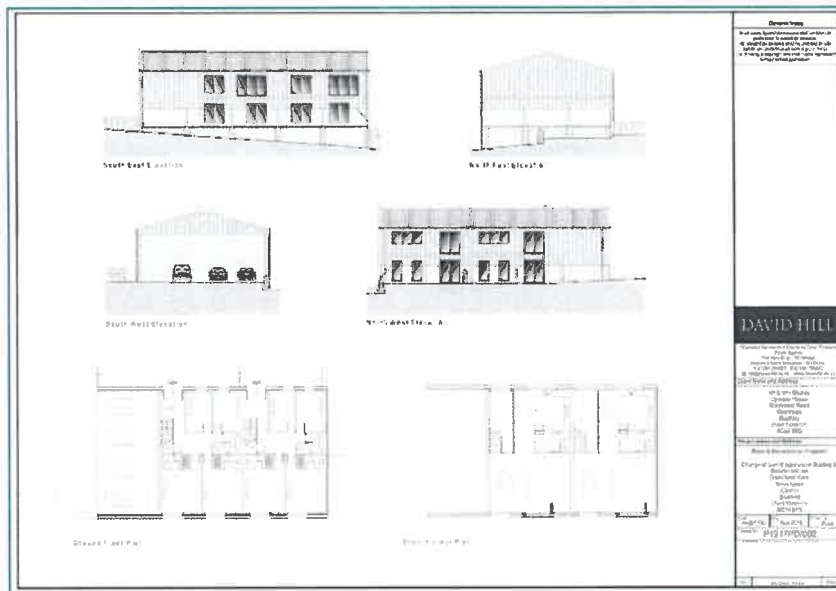
- 3.5.2. Our conclusions on the design and external appearance of the current proposal are backed up by a number of Class Q decisions relating to these matters that have been explored and assessed at appeal. The most recent appeal dealing with this matter was APP/Y1138/W/20/3244988 within the Mid Devon District Council location. It involved a range of connected steel portal framed agricultural buildings, much bigger than the subject site. The design and appearance in relation to the impacts on nearby listed buildings were also considered as an added factor. You can see from the submitted approved existing and proposed elevations, and the appeal decision all contained in [Appendix 1](#) (with extracts below), that the approved building operations included replacement cladding and additional glazing in the form of windows and doors. These far exceed the amount of openings included in the current proposal. The location plan shows the appeal site location and position is comparable, being in a rural area close to a cluster of dwellings (including listed buildings in the appeal case). Accordingly, if greater changes within close proximity of a listed building still result in the design and external appearance of the proposal being acceptable, then it can reasonably be concluded that the current proposal is acceptable to the character and appearance of the site and its immediate area.



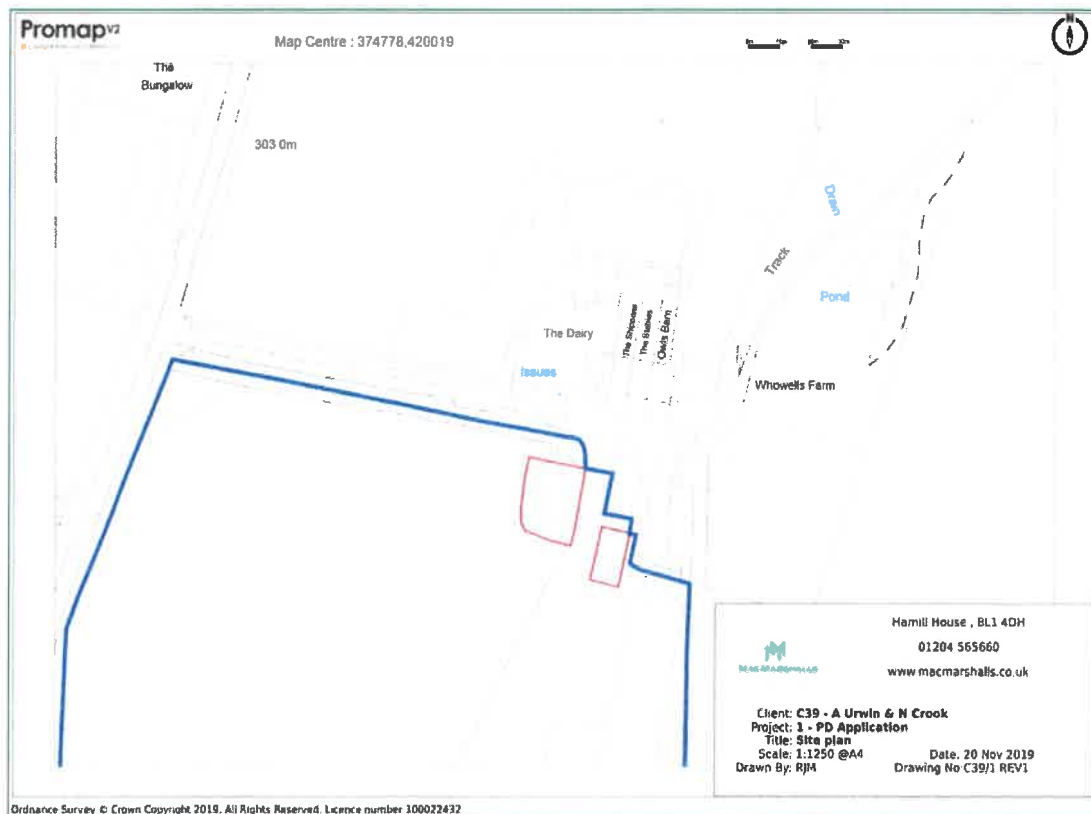
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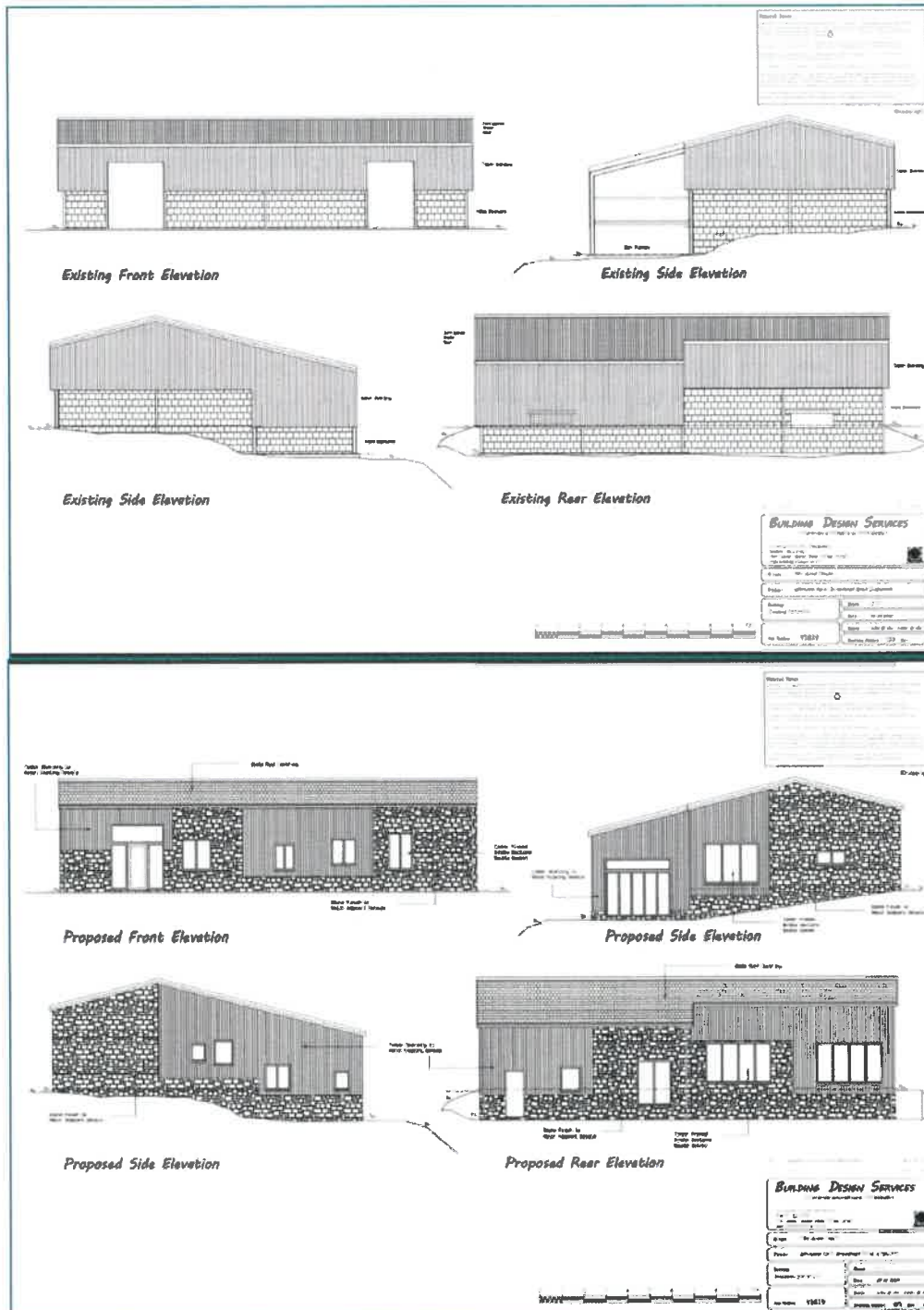




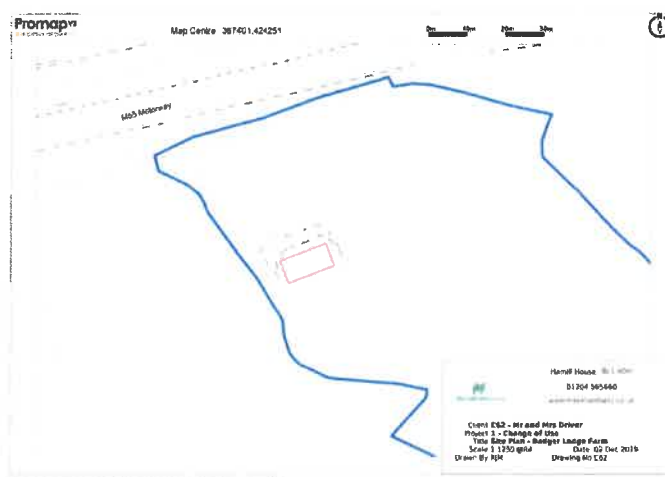
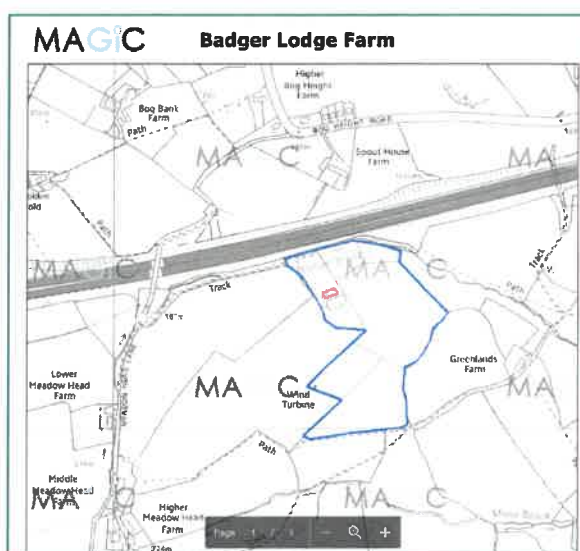


3.5.4. There are also countless approved and appealed (allowed) decisions that are of similar design and appearance (clad steel portal framed structures where openings have been added and cladding replaced), in similar locations to the subject proposal where design and appearance of the proposal were not considered to be an issue by either party and are therefore not even mentioned. These were all assessed against the class Q criteria and design and appearance were considered to be acceptable for the area (similar to that of the current application). I have referenced two comparable approved proposals in the neighbouring authority of Blackburn with Darwen Council. These are of similar design in similar locations. The first were two barns adjoining a cluster of dwellings in the Green Belt. The second has now been built out and completed and was in an open area not close to existing houses. Extracts of the plans for the first building at the first site are shown below. Full versions of the plans and decision notice are at [Appendix 3](#). The existing buildings consisted of concrete block, clad with timber boards. The approved proposal provided replacement cladding with timber and stonework. These proposals were considered appropriate in design and external appearance.





3.5.5. Extracts of the second example of an approved class Q barn are shown below (full details at [Appendix 4](#)). This building is in a more rural position than the current proposal. It is not close to other houses, being in a remote position. The character is defined by rolling agricultural land and pockets of farms and rural property. The proposal to convert this building with additional glazed elements, additional concrete blocks and timber elements within a residential curtilage was approved and has now been fully constructed. It sits well in the local area, with a neutral impact on the character of the area where assessing the proposed against the existing. I have included a photo showing the unconverted and completed barn so you can see the conversion is very sympathetic in design and appearance (the new timber will grey and weather over time like the unconverted version). In these respects, the subject conversion would be very similar.







Photos of Unconverted building



Photo of Completed Class Q conversion



- 3.5.6. There are a huge number of similar styles of agricultural buildings in the Ribble Valley, which the finished proposal will compare with. The character of the proposals will remain agricultural. Just across the road from Pinfold Farm, to the south east is a large range of agricultural buildings, older, but of similar style and full clad in timber. These are shown on the aerial below.





#### 4. CONFORMITY WITH THE GPDO

4.1 The table below highlights how the proposed development conforms with the criteria of the GPDO.

<b>Criteria</b>	<b>Previously accepted by the LPA in the last Class Q application for the barn</b>	<b>Conformity</b>
(a) the site was not used solely for an agricultural use as part of an established agricultural unit – (i) on 20th March 2013, or (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;	yes	The building was last in agricultural use as a sheep barn in March 2011.
(b) in the case of – (i) a larger dwelling house, within an established unit (aa) the cumulative number of separate dwelling houses developed under Class Q exceeds 3; or (bb) The cumulative floor space of the existing building or buildings changing use to a larger dwelling house or dwelling houses under Class Q exceed 465 square metres;	yes	The application falls within a larger dwelling as its floor area is greater than 100m <sup>2</sup> . The actual floor space is 280m <sup>2</sup> .  The change of use is only for one dwellings, being less than the 3 permitted.
(c) In the case of – (i) A smaller dwelling house, within an agricultural unit- (aa) The cumulative number of a separate smaller dwelling houses developed under Class Q exceeds 5; or (bb) The floor space of any one separate smaller dwelling house having a	yes	The application is not for a smaller dwelling house.



use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order exceeds 100 square metres.		
(e) The site is occupied by an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained	yes	The site is not occupied under an agricultural tenancy, the applicant and his family own the site.
(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 purposes of carrying out the 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;	yes	N/A as the site is owned by the applicant and his family.
(g) Development under Class A(a) or Class B(b) of part 6 of this schedule (agricultural buildings and operations) has been carried out on the established agricultural unit- (i) Since 20th March 2013; (ii) Where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;	yes	No buildings have been erected on the unit since 20th March 2013.
(h) The development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at even given point;	yes	The elevation plans indicate that the proposed development would not result in any alterations extending beyond the external dimensions of the existing building at any given point.
(i) The development under Class Q(b) 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	yes	The plans show the installation of windows and doors, and replacement roof and wall cladding. The building already has the benefit of mains electricity and water. A



<p>for the building to function as a dwelling house; and (ii) Partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);</p>		<p>separate electricity and water supply is proposed for the dwelling. A septic tank/treatment plant will be installed within the proposed curtilage of the dwelling. Surface water will follow the route of the existing building, into an existing field drain that leads into the brook on the applicants land.</p> <p>Further, a structural report has been produced by Les Gooding Design Ltd, a qualified structural engineer (October 2020). The report confirms the existing steel framework is in good condition, capable of supporting the conversion shown on the proposed elevation and floor layout plans. Major reconstruction will not be necessary and therefore, as previously confirmed by the LPA, the building is capable of class Q conversion under part Q.1 (i).</p>
<p>(j) the site is on article 2(3) land; (a) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of the conservation areas); (b) an area of outstanding natural beauty; (c) an area specified by the Secretary of State for the purposes of section 41 (3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside); (d) the Broads; (e) a National Park; or (f) a World Heritage Site</p>	<p>yes</p>	<p>The site is located within any of these areas.</p>



(k) 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;	yes	The site is not located within any of these areas.
(l) the site is, or contains, a scheduled monument; or	yes	The agricultural building and its curtilage do not contain a scheduled monument
(m) the building is a listed building.	yes	The agricultural building and its curtilage do not contain a listed building.

## 5. HIGHWAYS, NOISE, CONTAMINATION, FLOODING, LOCATION, SITING & DESIGN

### 5.1. Transport and highways impacts of the development

- 5.1.1. The application will facilitate a change of use of an agricultural barn into a modest 4 bedroom dwelling. There is space to park 3 vehicles just off the access road to the front of the barn. This area is already in residential use as it is used as overflow parking for the existing dwellings, therefore it was not necessary to include it within this application.
- 5.1.2. The site will be accessed via the existing private roadway. The drive is used to access the surrounding dwellings and the agricultural yard. Traffic on and off site from one dwelling will not have an adverse impact on highways safety as it will not intensify use from its existing agricultural use.

### 5.2. Noise impacts of the development

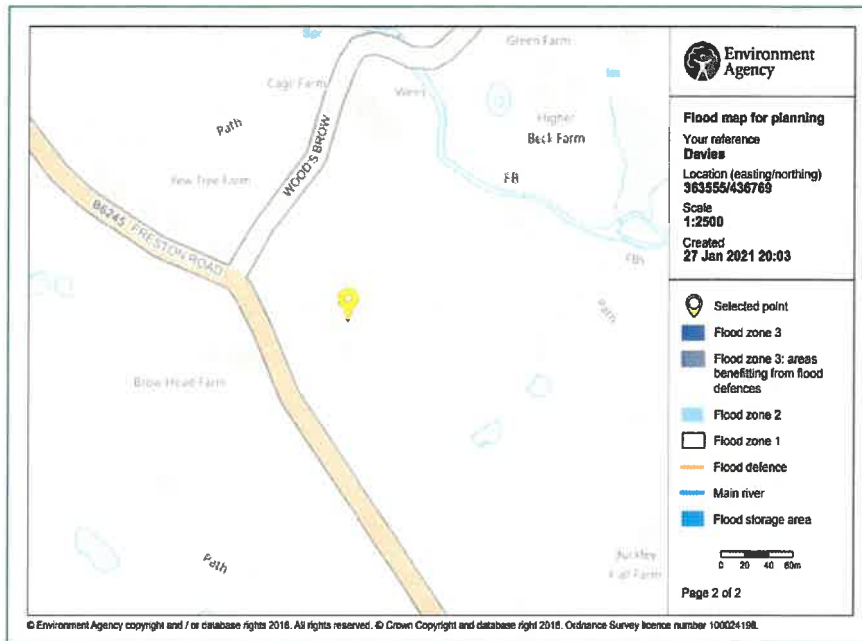
- 5.2.1. Residential use is essentially a quiet, especially compared to if the agricultural buildings were fully utilised as part of a busy working farm. Farm traffic can be noisy due to the size and unsocial working hours. The proposed use is consistent with the surrounding uses.

### 5.3. Contamination risks on the site

- 5.3.1. There are no contaminants in the building and due to the conversion, excavations will be minimal. Accordingly there are no risks.

### 5.4. Flooding risks on the site

- 5.4.1. The flood risks on the site planning map obtained from the EA confirms the site is within flood zone 1, within an area at low risk of flooding. Due to the size of the proposal, a FRA is not required. Please see the extract below.



5.4.2. Flooding risks on the site from surface water - Planning map obtained from gov.uk confirms the site is at very low risk of flooding from surface water.



5.4.3. Flooding risks on the site from rivers and seas - Planning map obtained from gov.uk confirms the site is at very low risk of flooding from rivers and seas.



5.4.4. Accordingly, the site is at very low risk of flooding from all identified sources.

**5.5. Does the location or siting of the building make it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order**

5.5.1. National Planning Practice Guidance states that permitted development rights do not apply a test in relation to sustainability of location. The building is not impractical or undesirable due to its positioning around existing dwellings and their shared access. It actually improves amenity for existing local residents. The pig shed is being demolished (intent shown by the submission of a prior notification application). Existing landscaping and properties screen the site from the road and closest dwellings. It is considered that the conversion would not result in a visually intrusive feature on the local landscape beyond that of the existing structures (there is an improvement with removal of the pig shed).

**5.6. The design and external appearance of the building, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.**

5.6.1. This was one of the LPA's reasons for refusal and has been extensively addressed in section 3 of this report. Based on the evidence and assessment presented it is considered that the design and external appearance of the proposal will not have an



adverse impact on the character of the area and is consistent with similar approved class Q applications and appeals. Changes have also been made since the last submission last year.

- 5.6.2. The applicant has limited the use of glass to a minimum, whilst providing a quality living environment for future occupiers to ensure it is sympathetic to the surroundings.
- 5.6.3. Guidance by the English Heritage states that 'There is a balance to be struck between incorporating the practical requirements and protecting the special character and significance of the farm building and its setting'. The applicant has used natural material with timber and a lightweight roof covering to maintain the agricultural feel of the building, protecting its original built form.

## 6. CONCLUSION

- 6.1. It has been demonstrated that the building satisfies the requirements of Class Q (a) and (b) of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 6.2. All three reasons for refusal given in the last class Q have been addressed and further evidenced.
- 6.3. Accordingly, the application satisfies legislative criteria relevant to determine this application and it therefore should be determined that prior approval is given.

Signed:

27.01.2021

**Produced & signed by: Sophie Marshall BSc (Hons) PGDipSurv MRICS MRTPI FAAV**

MacMarshalls Rural Chartered Surveyors & Planning Consultants

Hamill House

112-116 Chorley New Road

Bolton

BL1 4DH

NB: This report has been prepared on behalf of the applicants. All the details on the farming system and site activities have been supplied by the Applicant or from the Council's planning website.

Ref: C211 - 1 Supporting Statement V1 issued 26.01.2021





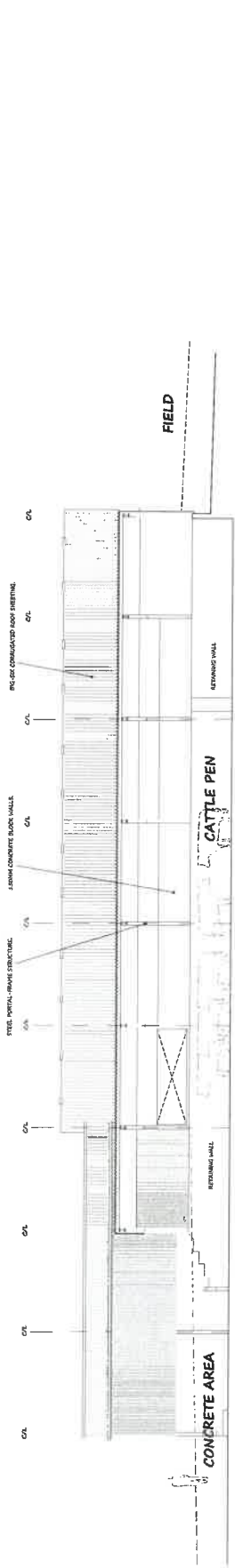
NOTE

1. This drawing is intended to provide a visual representation of the proposed design and is not intended to be used for construction purposes. It is not intended to be used for any other purpose without the written consent of Philip Brown Associates.

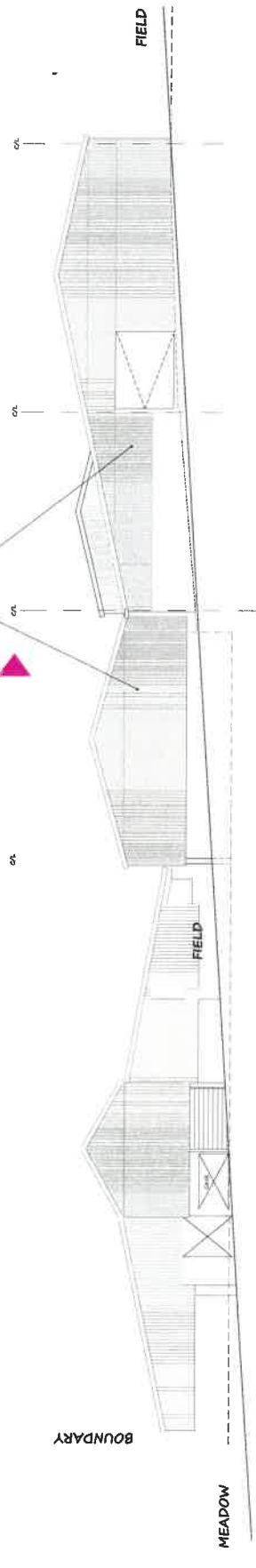
2. This drawing is intended to provide a visual representation of the proposed design and is not intended to be used for construction purposes. It is not intended to be used for any other purpose without the written consent of Philip Brown Associates.

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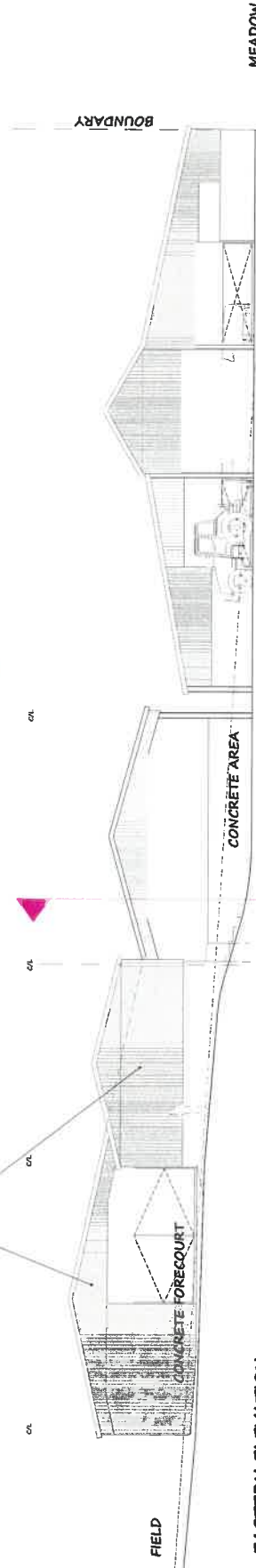
APPENDIX I.B.1



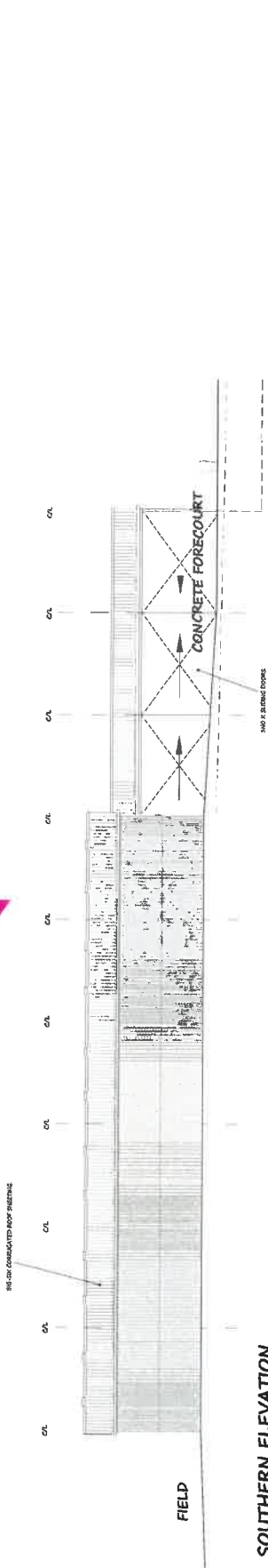
NORTHERN ELEVATION. (SECTION THRU COVERED CATTLE PEN)



WESTERN ELEVATION.



EASTERN ELEVATION.



SOUTHERN ELEVATION.

Philip Brown Associates

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Client: MR. W. HOSEGOOD.

Project: PROPOSED CHANGE OF USE (AGRICULTURAL TO DWELLINGS)

Site: LOWER NEWTON, ZEAL MONOCHORAM, DEVON, EX17 6LH.

Title: ELEVATIONS (EXISTING).

Date: JULY 2019, Scale: 1:100

Drawn: HSG/Q/OJ, Project: A1

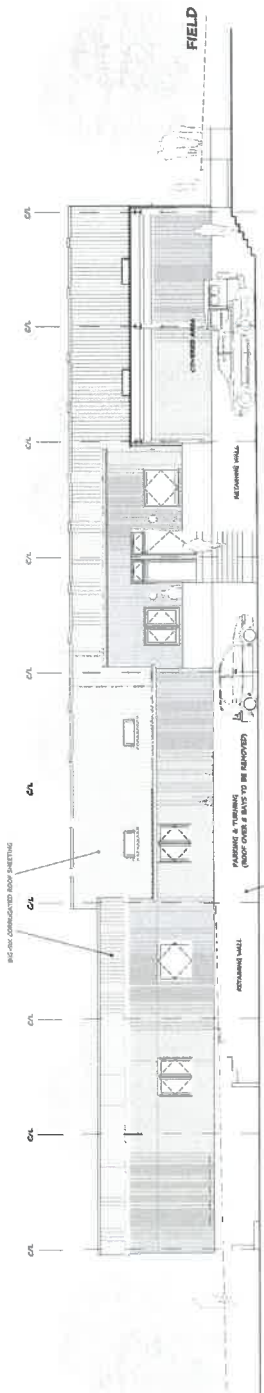
Appendix 3



NOTES:

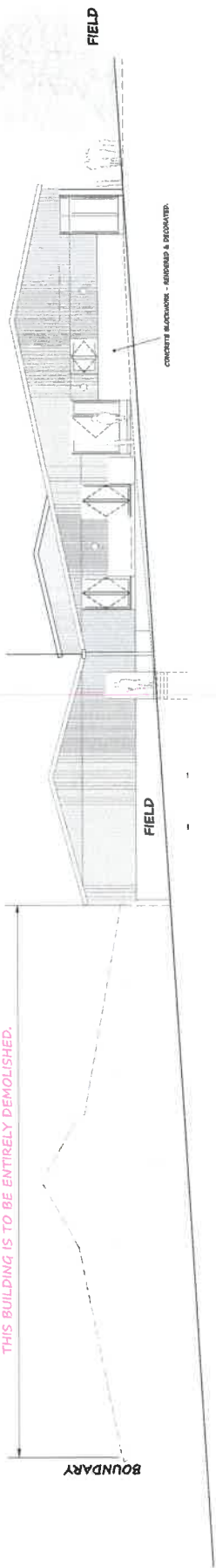
- 1. THE PROVISION OF THIS DRAWING IS SUBJECT TO THE VALIDITY OF THE ORIGINAL CONTRACT AND ANY AMENDMENTS TO IT.
- 2. THE DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF PHILIP BROWN ASSOCIATES.
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- 5. THE DRAWING IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF PHILIP BROWN ASSOCIATES.

**ASSUMPTIONS:**  
 1. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.  
 2. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.  
 3. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.



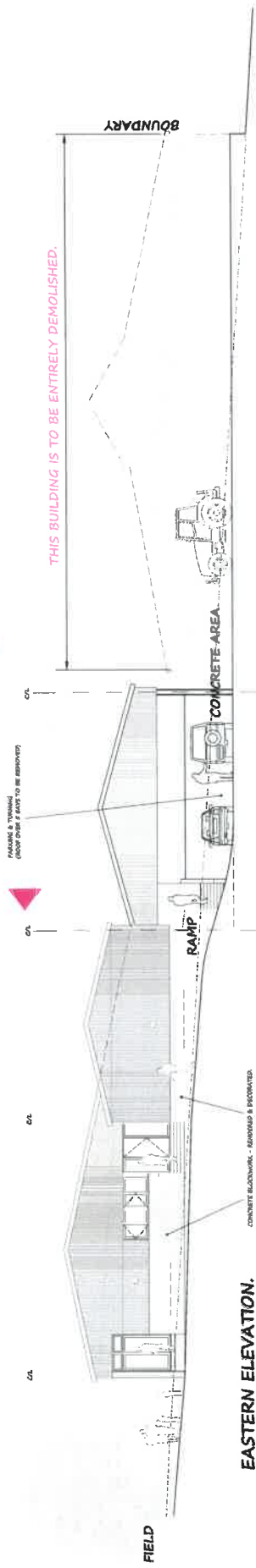
NORTHERN ELEVATION & SECTION.

THIS BUILDING IS TO BE ENTIRELY DEMOLISHED.



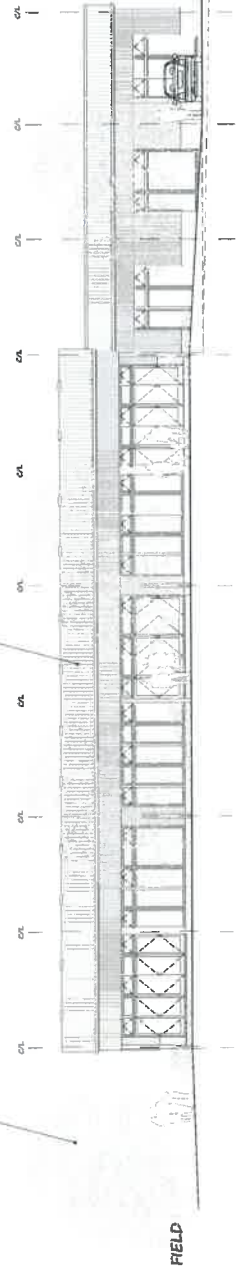
WESTERN ELEVATION.

THIS BUILDING IS TO BE ENTIRELY DEMOLISHED.



EASTERN ELEVATION.

LANDSCAPING TO BE DETERMINED.



SOUTHERN ELEVATION.

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 Email: info@pbrown.co.uk

**Client:**  
 MR. W. HOSEGOOD.  
**Project:**  
 PROPOSED CHANGE OF USE  
 (AGRICULTURAL TO DWELLINGS)

**Site:**  
 LOWER NEWTON,  
 ZEAL MONOCHORAM,  
 DEVON, EX17 6LH.  
**Town:**  
 ELEVATIONS (PROPOSED).

**Date:**  
 JULY 2019.  
**Scale:**  
 1:100  
**Drawn:**  
 HSG2/Q.05 A A1  
**Frame:**



NOTE:

The information contained in this report is based on the information provided to Philip Brown Associates by the client and is intended for the client's use only. It is not to be used for any other purpose without the prior written consent of Philip Brown Associates. The information contained in this report is not to be used for any other purpose without the prior written consent of Philip Brown Associates. The information contained in this report is not to be used for any other purpose without the prior written consent of Philip Brown Associates.

APPENDICES:

APPENDIX 1: PROPOSED CHANGE OF USE (AGRICULTURAL TO DWELLINGS)

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NR23 7JY

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CLIENT: MR. W. HOSEGOOD.

PROJECT:

PROPOSED CHANGE OF USE (AGRICULTURAL TO DWELLINGS)

SITE:

LOWER NEWTON,  
ZEAL MONOCHORAM,  
DEVON, EX37 6LH.

TITLE:

BLOCK & LOCATION PLANS.

DATE: MARCH 2019. 1:500/1:2500

DRAWN: HSG2/Q.01 A A1

FORMATTED: A1





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## Appeal Decision

Site visit made on 1 June 2020

**by Mrs H Nicholls FdA MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 18 September 2020**

---

**Appeal Ref: APP/Y1138/W/20/3244988**

**Barn at Lower Newton Farm, Lower Newton, Zeal Monochorum, Crediton, Devon EX17 6LH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).
  - The appeal is made by Mr William Hosegood against the decision of Mid Devon District Council.
  - The application Ref 19/01402/PNCOU, dated 16 August 2019, was refused by notice dated 15 October 2019.
  - The development proposed is prior notification for the change of use of an agricultural building to 3 dwellings under Class Q.
- 

This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 18 June 2020

### Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the change of use of an agricultural building to 3 dwellings under Class Q at Barn at Lower Newton Farm, Lower Newton, Zeal Monochorum, Crediton, Devon, EX17 6LH, in accordance with the terms of the application Ref 19/01402/PNCOU, dated 16 August 2019, and the plans and documents submitted with it, subject to the following condition:
  1. The use shall not commence until the adjacent agricultural building has been removed as shown on plan Refs HSG2/Q.04 A, HSG2/Q.01 A and HSG2/Q.05 A.

### Preliminary Matter

2. The application form did not include a description of development, referring instead to the accompanying plans and statement. I have taken the description of development from the appellant's appeal form which is similar to that on the Council's decision notice.
3. During the course of consideration of the appeal application, plans were provided showing a building within the blue line area to be demolished (plan Refs HSG2/Q.01 A, HSG2/Q.04 A and HSG2/Q.05 A). I shall determine the appeal on the basis of these amended plans.

## **Background and Main Issue**

4. Paragraph Q1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) sets out the circumstances in which development is not permitted by Class Q. The Council considered that the proposal would be permitted development against the criteria in Q.1, and I have no reason to disagree with that conclusion.
5. Paragraph Q.2 requires developers to apply to the local planning authority as to whether prior approval is required for a range of factors in (1) (a) to (f) including (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). It also includes (f) which refers to the design and external appearance of the building.
6. The Council has effectively determined that prior approval under (e) was necessary, and that owing to the impracticality and undesirability of the building's location it would harm the setting of nearby listed buildings. Prior approval was therefore refused on this basis.
7. Where prior approval matters include siting or location, design and external appearance, as they do in this case, the impact of a development on the settings of listed buildings can be taken into account.
8. Therefore, the main issues, in the context of the potential effects on nearby heritage assets, Newton House and East Newton, are whether the location or siting of the building would make it otherwise impractical or undesirable to change the building's use and the effects of its design and external appearance.

## **Reasons**

9. The farmyard contains two, closely sited, large steel frame farm buildings. The northernmost building would be demolished as part of the proposal. This building is an open-sided livestock building, constructed from corrugated metal sheeting and has an outworn appearance.
10. The building to be converted is a large, wide span building split into sections with steel frame construction and corrugated roof sheeting. It has some blockwork to the lower sections with patchy corrugated metal cladding upper. This building is in better condition than the building to be demolished.
11. The proposal would convert the southern building to three dwellings. The external changes include the insertion of domestic windows and doors, and replacing the corrugated cladding with new. Part of the roof over the building would be removed, leaving an open-sided, covered parking area on the northern side of the dwellings.
12. The individually listed heritage assets close to the appeal site are East Newton and Newton House, both of which are Grade II listed.
13. East Newton is a C17 house which was formerly two cottages, constructed of plastered cob walls and with a thatched roof. The listing description refers to the 'front' elevation as the south-east facing elevation with a left-of-centre front door. The outlook afforded to viewers from this elevation is over a shallow valley where its garden meets the adjoining field and towards the appeal building, which forms a dominant utilitarian feature on the skyline. There is a

treed boundary between the garden and adjoining field. Though an evergreen tree forms part of this tree line, the extent of tree coverage varies depending on the time of the year. As such, the rural outlook from East Newton is at least moderately filtered by tree and leaf cover throughout the year.

14. The significance of East Newton lies in its age, its surviving historic fabric and its rural setting. Its position in the landscape, which is arguably more commanding than other nearby dwellings, and its outlook are factors which contribute positively to its significance.
15. Newton House is a former farmhouse with plastered cob walls and part-thatched roof. The list description for Newton House identifies it as having late C16 – early C17 origins but with much modernisation having taken place since C17 until as recently as 1960. It also faces south-east, although due to topography and the position of Newton Barn, the outlook is more restricted to its garden and towards the adjoining rural road. Owing to the sheer bulk and elevation of the agricultural buildings, they are clearly easy to notice from the area within which Newton House is experienced, and could be said to form part of its setting. However, the current views from Newton House and its garden are of parts of the building to be demolished.
16. The significance of Newton House also lies in its age, the surviving historic fabric and its importance as a rural farmhouse within a rural setting.
17. The submitted evidence discusses whether Newton Barn is either a curtilage listed or non-designated heritage asset (NDHA). It is an attractive dwelling converted from a former farm building that was previously within the same ownership and functionally linked with Newton House. It does not have a listing description and its conversion in the mid-2000s was not assessed on the basis of it being curtilage listed. The Council has more recently accepted that Newton Barn is not curtilage listed but still asserts that it is a NDHA.
18. Newton Barn lies adjacent to the appeal site. Its principal elevation is north-east facing towards the rural road, set back over a modest front garden. It has a secondary outlook south-east over its parking area, which is enclosed by a retaining wall, separating it from the appeal site and existing former dairy building (excluded from the current proposal). There is a constrained outlook from openings of Newton House to the appeal site, which lies at a higher level. Those views that can be obtained are of the former dairy (not part of the proposal) and towards the older livestock building which would be demolished.
19. Whilst views towards the appeal site from the front garden are attainable, the rear of Newton Barn has limited glazed openings and its rear garden has an outlook restricted by the extent and orientation of the building itself, the surrounding topography and by boundary features. Though it appears that a domestic use has recently spilled over into the adjoining field that has clearer views towards the appeal site, the status of this change is unclear.
20. Whilst the Council's extensive 'Register of Heritage Assets' (2015) includes a wealth of buildings and structures of heritage significance that do not have any formal designation, it does not include reference to Newton Barn. The Planning Practice Guidance indicates that all NDHAs should be clearly identified as such, though this does not preclude councils from identifying new ones as part of the

decision making process, for example, where archaeological investigations indicate that it is prudent to do so<sup>1</sup>.

21. The works to convert the former barn have largely preserved its original form and siting and resulted in a characterful and attractive dwelling. From the evidence, its features are more domesticated and numerous than when it was a farm building. Nevertheless, I can accept that the Council may wish to include it as an NDHA. Despite this, I have considered the impacts of the proposal on Newton Barn. In my view, the proposal would have the effect of improving its setting through the reduction in mass of buildings, increased openness and enhanced appearance of the building to be converted. The proposal would therefore at least preserve, rather than harm, its significance.
22. In terms of the effects of the proposal on Newton House, due to the separation by buildings (the former dairy and Newton Barn), topography, boundary features and its orientation, the proposal would have a limited positive effect on its setting. Views towards the retained building would be of a less bulky, more distant structure with an enhanced appearance. Passers-by would experience the changes when viewing the buildings from the adjoining road, but the change from a collection of bulky, agricultural buildings and associated clutter, to a reduced mass of buildings with a neater, modestly more domestic appearance would not harm its significance.
23. In terms of the effects of the proposal on East Newton, there would be obvious changes to the view and appearance of the dominant appeal building. There are numerous aspects about the proposal that would be positive in this regard, including the extent of demolition and the introduction of newer, consistent finishes that would maintain a simple, agricultural character. The northern and western elevations would remain visible or would be exposed to East Newton through the proposed demolition. The number and style of domestic windows and doors to be inserted into these elevations would be modest, and visible through tree cover from some distance.
24. Under Class Q, the size of the permitted curtilages is deliberately limited. In this case, the curtilages would be constrained to a shallow buffer strip around the outside of the building. This would negate the ability for domestic paraphernalia to be introduced to the rear that could undermine the rural character of the area. Any introduction of larger curtilages, associated landscaping or other domestic structures would need to be by way of separate planning application. Consequently, it is unlikely that the change of use of the land would result in any discernible harmful impact on the setting of the heritage assets, and in particular East Newton which enjoys more direct views in this direction.
25. In terms of the agricultural setting of the collective buildings and the degree to which this would be affected by the loss of the agricultural function of the building, I do not consider that this would lead to a loss of significance. The buildings would still be capable of being interpreted as former farm dwellings and farm buildings within a rural landscape. A continuing modern farming enterprise is not strictly necessary to maintain the connection between the buildings and their landscape setting.

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<sup>1</sup> Paragraph: 040 Reference ID: 18a-040-20190723

26. Therefore, the siting and location of the building would not make it otherwise impractical or undesirable to change use, and nor would the design or external appearance of the building operations harm the setting of either aforementioned heritage asset. Conversely, the proposal would result in enhancements to their settings and would thus preserve their significance.

**Other matters**

27. I have considered the appellant's request that the adjacent livestock building be retained for agricultural purposes, excluding livestock housing. For reasons relating to its scale and proximity to neighbouring buildings, including that to be converted, and the potential effects on neighbouring or future occupiers, I consider that it would be impractical and undesirable to retain it.

28. I have also considered representations from adjoining occupiers in relation to overlooking, wildlife impacts and effects on community infrastructure. These are not matters that fall to be considered under a Prior Approval application under Paragraph Q.2. The matters in relation to access, flooding and structural stability were found to be acceptable by the Council and there is no cogent evidence before me to indicate that I should reach an alternative view.

**Conclusion and Conditions**

29. For the reasons given above, I conclude that the appeal should be allowed, and prior approval granted. Paragraph Q.2.(3) of the GPDO requires that the development must be completed within a period of 3 years from the date of this decision and undertaken in accordance with the submitted plans and details. As such, conditions are not required in this regard.

30. Whilst the Council did not suggest any further conditions, it is necessary to secure the removal of the adjacent agricultural building by condition in accordance with the submitted plans in order to provide adequate living conditions for the future and neighbouring occupiers.

*Hollie Nicholls*

INSPECTOR






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## Appeal Decision

Site visit made on 22 June 2020

**by Alison Partington BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10<sup>th</sup> July 2020

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### Appeal Ref: APP/W4705/W/20/3250397

### Greenhead Farm, Yews Green, Clayton, Bradford BD14 6PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mrs Murial Wasley against the decision of City of Bradford Metropolitan District Council.
  - The application Ref 19/04767/PAR, dated 13 November 2019, was refused by notice dated 3 January 2020.
  - The development proposed is the change of use of an agricultural building and land to two dwellings (C3) and associated building operations.
- 

### 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 dwellings (C3) and associated building operations at Greenhead Farm, Yews Green, Clayton, Bradford BD14 6PX in accordance with the application 19/04767/PAR made on 13 November 2019, and the details submitted with it, including Drawing Nos P1917PD/001, P1917PD/002, P1917PD/003, P1917PD/004, P1917PD/005, P1917PD/006 and P2935-SK01, and subject to the following condition:
  - 1) Prior to the first occupation of either dwelling hereby permitted, details of the boundary treatment for the curtilage of each dwelling shall be submitted to, and approved in writing by, the local planning authority. The boundary treatment shall be erected prior to the first occupation of each dwelling and retained thereafter.

### Background and Main Issue

2. The appeal relates to an application for the change of use of an agricultural building and associated operations under Paragraphs Q (a) and Q (b) of the *Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)* (GPDO). There is no dispute between the main parties with regard to the compliance of the scheme with paragraphs Q1 (a) to (h) and (j) to (m). Based on the evidence before me and observations I made at my site visit, I have no reason to take a different view in terms of compliance with these particular paragraphs. Therefore, the focus of my determination of the appeal has been the area of difference between the parties which relates to paragraph Q.1(i).

3. Therefore, the main issue in the appeal is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, with particular reference to the extent of the building works including new structural openings.

### **Reasons**

4. The agricultural building that is the subject of the appeal is a relatively modern portal frame structure. At the time of my visit it was being used for agricultural storage. Three of the four sides are enclosed with the fourth being open, although a small element of the lower part of the north west elevation shares a brick and block wall with the adjacent barn. Other than this the external walls comprise pre-cast concrete panelling with timber boarding above. The roof consists of corrugated cement sheets and the floor is concrete slab.
5. It is proposed to convert the building to create 2 dwellings and an area of car parking at the end of the building that is currently open. Paragraph Q.1.(i) indicates that building operations, other than the installation or replacement of windows, doors, roofs or exterior walls to the extent necessary for the building to function as a dwelling house are not permitted.
6. The appellant has provided a Structural Inspection Report and from what I saw on my site visit, I concur with its conclusion that the existing structure is in good condition.
7. From the plans provided and the structural report the conversion of the building would require no new structural elements and is capable of conversion to residential accommodation. In addition, the existing floor, external walls and roof would be retained and so, apart from the small part of the north west elevation which shares the lower part of the wall with the adjacent barn, no rebuilding of the existing external structure would be required.
8. As a result, the works required to create the dwellings would consist of the installation of new windows and doors in what would become the front and rear elevations of the dwellings, new internal walls and insulation; party walls; and connections to services that already run to the building. The appellant's evidence states that the internal and party walls can be constructed without the need for any additional structural members.
9. The Planning Practice Guidance<sup>1</sup> indicates that internal works are not generally development and that for the building to function as a dwelling it may be appropriate to undertake internal works including internal walls which are not prohibited by Class Q. Thus, the proposed internal walls and insulation which would be built on the current floor slab would not fall outside of the building works allowed by the GDPO.
10. In my opinion the nature of the external works required to convert the building would comply with the specified works in paragraph Q.1.(i) of the GPDO. The works are reasonably necessary for a residential conversion and the cumulative works would not constitute rebuilding so as to fall beyond the scope of a conversion permitted under Class Q.

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<sup>1</sup> Paragraph: 105 Reference ID: 13-105-20180615

11. Consequently, I consider that the works to the agricultural building are reasonably necessary for the building to function as a dwelling house and thus the scheme amounts to permitted development under Class Q.

### **Other Matters**

12. The Council have provided no evidence as to whether they consider the proposal would meet the conditions set out in paragraph Q.2 of the GDPO. These are: the transport and highway impacts of the proposal; the appeal scheme's noise impacts; contamination and flooding risks; whether the location or siting of the development makes it impractical or undesirable for the use of the building to be changed; and matters of design or external appearance. Paragraph W.10(b) of the GPDO also requires the decision maker to 'have regard to the National Planning Policy Framework (the Framework)...so far as relevant to the subject matter of the prior approval, as if the application were a planning application'.
13. The dwellings would utilise the existing access onto the adjacent highway which provides access to the farmhouse and yard. From my own observations, and in the absence of any evidence to the contrary, I am satisfied that this would provide a safe and suitable access for the dwellings and the scale of development would not result in severe residual cumulative impacts on the road network.
14. The appeal building is surrounded by grazing land and other farm buildings. However, the appellant has stated that planning permission and listed building consent has recently been granted for the conversion of the listed barn into a dwelling and the demolition of the other farm buildings, other than this barn. The implementation of this permission would render the surrounding area residential rather than agricultural. Even if the surrounding land remained grazing land, the sound of livestock and any associated agricultural activity would be unlikely to cause undue noise and disturbance to future occupiers. In coming to this conclusion, I have noted that the surrounding area has a mix of residential and agricultural uses that co-exist in close proximity, as is often common in rural areas.
15. From the age of many of the surrounding buildings, it would appear that the area has been in agricultural use for a considerable period of time. Given this the appellant has suggested the likelihood of contamination is low and this has not been disputed by the Council. In the absence of any evidence to the contrary I see no reason to conclude that the development would be at risk from contamination.
16. The appellant's evidence indicates that the site is not within Flood Zone 2 or 3 and that there are no known flooding or drainage issues in the area. Consequently, there is no evidence to suggest that the proposed development would be at risk of flooding or would increase the risk of flooding elsewhere.
17. The farm forms part of the hamlet of Yews Green and is within a short distance of the settlements of Clayton and Queensbury which have a range of services and facilities. Therefore, there is nothing in the location or siting of the appeal site that makes it impractical or undesirable for the use of the building to be changed.

18. Apart from the addition of windows and doors the external appearance of the building would largely be unchanged, and it would retain much of its agricultural character and form. As such, I am satisfied that the proposal would not harm the setting of the nearby listed barn that has recently been granted permission to be converted to a dwelling or the character and appearance of the area.

### **Conditions**

19. The GPDO attaches various standard conditions to this type of development, including that development must be completed within a period of 3 years (paragraph Q.2.(3)), and be in accordance with the approved details (paragraph W(12)(a)).
20. The GPDO also indicates that conditions reasonably related to the subject matter of the prior approval can be imposed (paragraph W(13)). I have assessed the Council's suggested condition on this basis and the tests for conditions set out in the Framework.
21. In order to protect the surrounding Green Belt from encroachment a condition to ensure adequate boundary treatment is provided around the curtilage of the dwellings is necessary. However, I have amended the wording to ensure preciseness and enforceability. As matters of design and external appearance are one of the assessment issues, I consider this is reasonably related to the prior approval.

### **Conclusion**

22. For the reasons set out above I conclude the appeal should be allowed.

*Alison Partington*

INSPECTOR



**General Notes**

In all cases, rounded dimensions shall be taken in preference to scaled dimensions.  
 All relevant dimensions shall be checked on site before any prefabricated work is put in hand.  
 This drawing is copyright and shall not be reproduced without written permission.

# APPENDIX 2

## DAVID HILL

Chartered Surveyors • Chartered Town Planners  
 Estate Agents  
 The New Ship • Mill Bridge  
 Skipton • North Yorkshire • BD23 1NJ  
 01753 785621 • F:01753 785622  
 @info@davidhill.co.uk www.davidhill.co.uk  
**Client Name and Address**

Mr & Mrs Wasley  
 Upwood House  
 Blackmoor Road  
 Chermorpe  
 Keighley  
 West Yorkshire  
 BD22 9SS

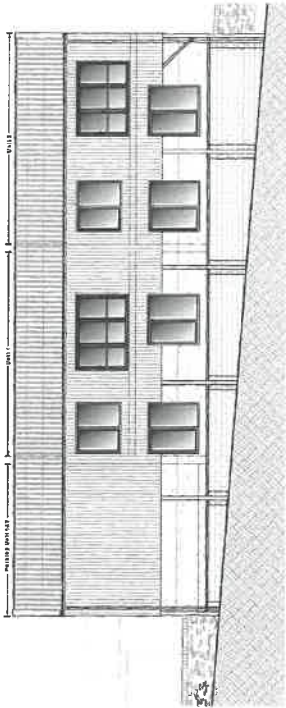
**Project Name and Address**

Plans & Elevations as Proposed  
 Change of Use of Agricultural Building to  
 Residential Use  
 Greenhead Farm  
 Yew Green  
 Clayton  
 Bradford  
 West Yorkshire  
 BD14 6PX

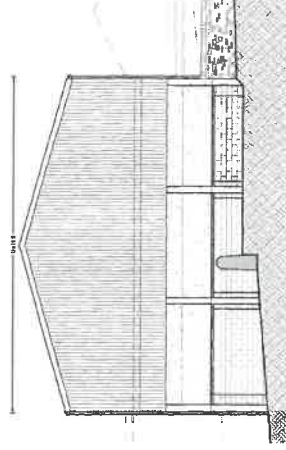
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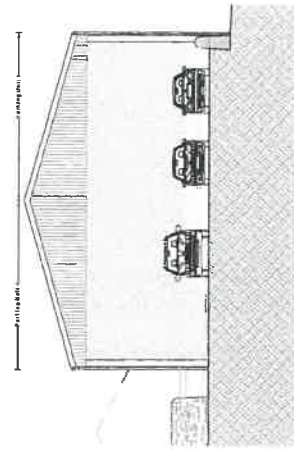
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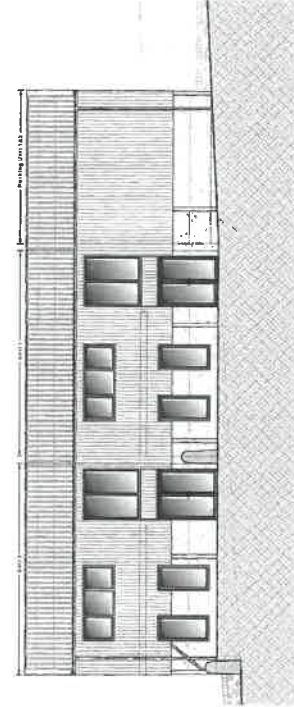
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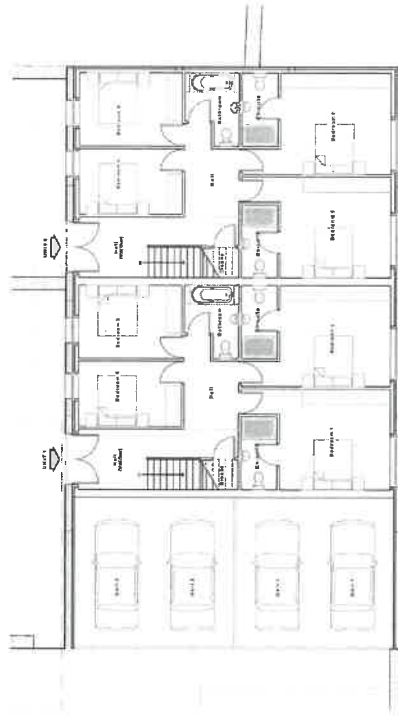
North East Elevation



South West Elevation



North West Elevation



Ground Floor Plan



Ground Floor Plan



DO NOT SCALE FROM THIS DRAWING



**Notes:**  
 THESE ELEVATIONS ARE DRAFTED TO ALLOW THE PLANNING AUTHORITY TO MAKE A DECISION ON THE PROPOSED DEVELOPMENT AND FOR NO OTHER PURPOSE. THESE ELEVATIONS ARE NOT BUILDING REGULATION COMPLIANT AND SHOULD NOT BE RELIED UPON AS SUCH. THE DECISION EXACT DIMENSIONS OF THE PROPOSED BUILDING AND SHOULD BE RELIED UPON. THESE PLANS SHOULD NOT BE USED AS DEFINITIVE AND ANY MEASUREMENTS SHOULD BE TAKEN AND CHECKED FROM THE PROPOSED SITE.

**SPECIFICATION:**  
 FRAME - STEEL PORTAL FRAME  
 WALLS - RENDERED BREEZE BLOCK WITH SOLID YORKSHIRE BOARDING  
 ROOF - BOX PROFILE JUNIPER GREEN WITH SKY LIGHTS  
 DOORS - GALVANIZED STEEL ROLLER SHUTTER DOOR WITH GALVANIZED PERSONNEL DOOR  
 FLOOR - CONCRETE  
 RAIN WATER GOODS - PLASTIC

Client

Mr & Mrs Driver

Drawing Title

Existing Elevations

Project Address

Badger Lodge Farm, Meadow Head Lane,  
 Tockholes, BB3 0LQ

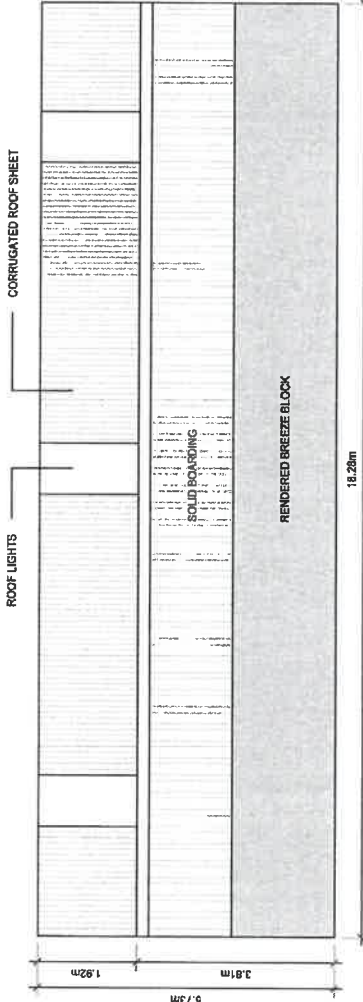
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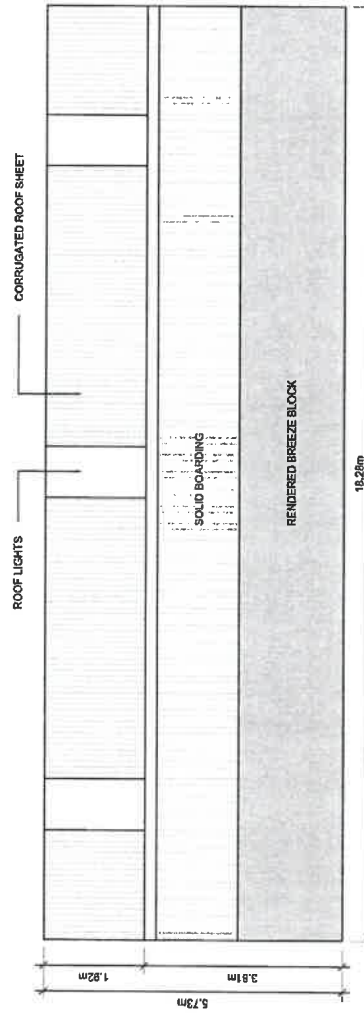


**MACMARSHALLS**  
 RURAL CHARTERED SURVEYORS  
 & PLANNING CONSULTANTS

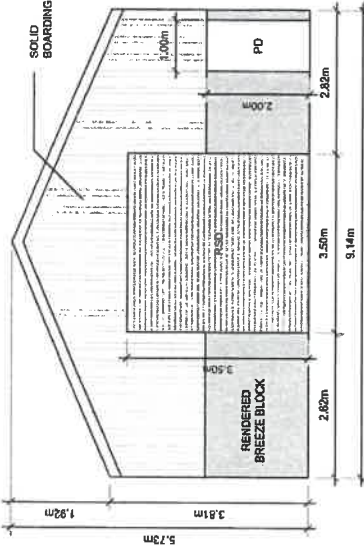
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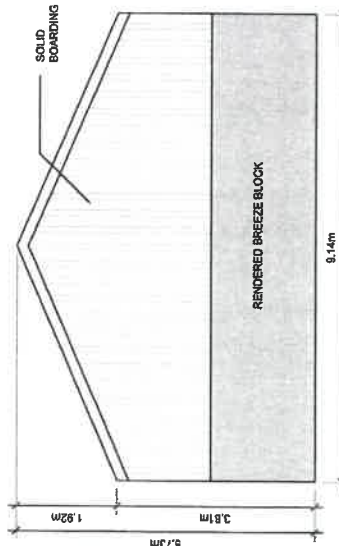
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 DR-2 SCALE: 1:100



4 NORTH ELEVATION  
 DR-2 SCALE: 1:100



1 WEST ELEVATION  
 DR-2 SCALE: 1:100



3 EAST ELEVATION  
 DR-2 SCALE: 1:100



Application Number: 10/19/1175  
Case Officer: Rebecca Halliwell 01254 585118  
Email: [planning@blackburn.gov.uk](mailto:planning@blackburn.gov.uk)  
Date: 29 January 2020

Mr Robert Mackenzie  
Macmarshalls  
Hamill House  
112-116 Chorley New Road  
Bolton  
BL1 4DH

**Town & Country Planning Act 1990  
Schedule 2, Part 3, Class Q of the Town & Country Planning (General  
Permitted Development) (England) Order 2015 (as amended)**

**Address of the proposed development:**

Barn at Badger Lodge Farm  
Meadow Head Lane  
Tockholes  
BB3 0LD

**Description of the proposed development:**

Change of use of agricultural building to a dwellinghouse with associated operational development

Blackburn with Darwen Borough Council, as Local Planning Authority, hereby confirm **Prior Approval is Given** for the proposed development at the address shown above, as described by the description shown above, and in accordance with the information that the developer provided to the Local Planning Authority.

**Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

2. The materials to be used on the external surfaces of the development as indicated on 'Proposed Elevations -- Drawing Number: DR04' received on the 7th January 2020 shall be implemented as indicated unless otherwise agreed in writing by the Local planning Authority.

REASON: To ensure that the external appearance of the development is satisfactory in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document

3. The curtilage of the dwelling hereby granted consists solely of the area outlined in red on the approved drawings. The curtilage must not extend beyond this area, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the proposal accords with the provisions of the Town and Country Planning (England) (General Permitted Development) Order 2015 (as amended) and to enable the Local Planning Authority to control the development in detail.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting that Order, no external lighting/floodlighting or building mounted lighting shall be erected or placed anywhere within the site to which this consent relates without written consent from the Local planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could prove materially harmful the character and visual amenities of the immediate area in accordance with Policies 5 and 11 of the LPP2.

5. Prior to commencement of the development, a foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall ensure that foul and surface water is drained on separate systems.

REASON: To ensure a safe form of development that poses no unacceptable risk of flooding, pollution to water resources or human health in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Council Local Plan Part 2 (December 2015)

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be altered or extended, no new windows shall be inserted, no alterations to the roof shall be undertaken and no buildings or structures shall be erected within the curtilage of the dwellings hereby approved unless planning permission has first been granted by the Local Planning Authority.

REASON: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the immediate area and the character and the appearance of the property to be converted in accordance with Policies 5 and 11 of the LPP2.

7. Prior to the commencement of construction works on the site, confirmation of any chemical storage on or adjacent to the site, including the condition of any chemical containers, drums, IBCs etc. should be presented. Should there be evidence of chemical spillage or potential for contamination from chemical storage on site (including within the existing building), a risk assessment will be necessary and further investigation may be required. This should be agreed with the LPA prior to commencement on site. Where unacceptable risks are identified an updated CSM, remedial options appraisal and detailed remediation scheme shall be presented for approval. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site in accordance with Policy 8 of the adopted Blackburn with Darwen Borough Local Plan Part 2

8. 1. Prior to the commencement of construction works on the site, confirmation of any chemical storage on or adjacent to the site, including the condition of any chemical containers, drums, IBCs etc. should be presented. Should there be evidence of chemical spillage or potential for contamination from chemical storage on site (including within the existing building), a risk assessment will be necessary and further investigation may be required. This should be agreed with the LPA prior to commencement on site. Where unacceptable risks are identified an updated CSM, remedial options appraisal and detailed remediation scheme shall be presented for approval. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To ensure that all reasonable steps have been taken to identify contamination at the site, that the risks it presents have been appropriately assessed, and that the site can be made 'suitable

for use', as such, does not pose a risk to future users of the site or the wider environment in accordance with Policy 9 of the adopted Blackburn with Darwen Borough Local Plan Part 2.

9. Should contamination be encountered unexpectedly during the development, all works should cease, and the Local Planning Authority should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and detailed remediation scheme should be presented, and agreed in writing by the LPA. No deviation shall be made from this scheme without the written express agreement of the LPA.

REASON: To protect the health of future occupiers of the site in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

10. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawing:

'Proposed Elevations -- Drawing Number: DR-4' received on the 7th January 2020

'Proposed Floor Plan - Drawing Number: DR-3' received on the 9th January 2020

REASON: For the avoidance of doubt and to clarify which plans are relevant

It is important that you read and understand all of the following informatives.

**Informatives:**

1. A process has been introduced by The Department for Communities and Local Government for dealing with material and non-material amendments to planning permissions. For more information please contact the case officer or consult the Planning Portal website [www.planningportal.co.uk](http://www.planningportal.co.uk)

2. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other Enactment, Byelaw, Order or Regulation. Before commencing development you are advised to check the requirements of the Building Regulations. Section 31 of the County of Lancashire Act 1984 (access for the Fire Brigade) also applies. For information please contact the Building Surveyors, telephone 01254 505022. Additionally, if you wish to carry out building work which involves work along a party boundary the Party Wall Etc Act 1996 comes into force. You must find out whether your works falls within the Act by contacting your Solicitor, and if it does, you must notify all affected neighbours.

**3. The Construction (Design & Management) Regulations 2015**

The development hereby approved may be subject to the Construction (Design and Management) Regulations 2015 which govern health and safety through all stages of a construction project. The Regulations require clients (i.e. those, including developers, who commission construction projects) to appoint a planning supervisor and principal contractor who are competent and adequately resourced to carry out their health and safety responsibilities. Clients have further obligations. Your designer will tell you about these and your planning supervisor can assist you in fulfilling them. Further information is available from the Health and Safety Executive Infoline 0845 345 0055

4. This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.

If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

(a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.

(b) In addition if a condition precedent is breached, the development is unauthorised and the only way to rectify the development is the submission of a new application. If any other type of condition is breached then you will be liable to a breach of condition notice.

5. There are fees associated with the discharge of planning conditions. These fees apply to all requests for (1) the discharge of one or more conditions on the same permission, or (2) the written confirmation of compliance with a condition or conditions. Any number of conditions may be included on a single request. Fees are: £34 for householder developments, and £116 for all other developments. There is no fee relating to the discharge of conditions imposed on Listed Building applications. Please send your fee with your request, as requests that are received without the appropriate fee will be returned unanswered. To request a discharge of condition please use the forms on [www.planningportal.co.uk](http://www.planningportal.co.uk) or apply to the Council in writing. Please ensure that your letter or form clearly identifies the relevant permission and the condition(s) concerned. Local Planning Authorities have to deal with all requests within 8 weeks. Fees will be refunded if a response is not sent within 12 weeks from the date of receipt.

6. All reports shall be prepared in accordance with BS10175:2011 (as amended), CLR 11, NPPF, Planning Practice Guidance, and any other relevant, appropriate and authoritative publications.

- The Local Planning Authority will not accept any liability for remediation works.

- The responsibility for the safe development and occupancy of the site, at all times, rests with the developer.

- Failure to comply with above condition may result in enforcement action being taken by the Local Authority under the Environmental Protection Act 1990.

- You are strongly advised to contact the Environmental Protection Team of the Public Protection Service to discuss the requirements of the Contaminated Land Condition (tel: 01254 267699 or email [publicprotection@blackburn.gov.uk](mailto:publicprotection@blackburn.gov.uk))

- The guidance documents entitled 'Contaminated Land Planning Guidance' & 'Validation Policy Document' should be read before you investigate the site. This guidance is available on the Council web site. These hyperlinks will give you direct access:

[www.blackburn.gov.uk/upload/pdf/Contaminated\\_Land\\_Guidance.pdf](http://www.blackburn.gov.uk/upload/pdf/Contaminated_Land_Guidance.pdf)

[www.blackburn.gov.uk/upload/pdf/Validation\\_Policy\\_Document\\_FINAL.pdf](http://www.blackburn.gov.uk/upload/pdf/Validation_Policy_Document_FINAL.pdf)

- A suitably qualified, competent & impartial person shall fulfil the requirements of the condition.

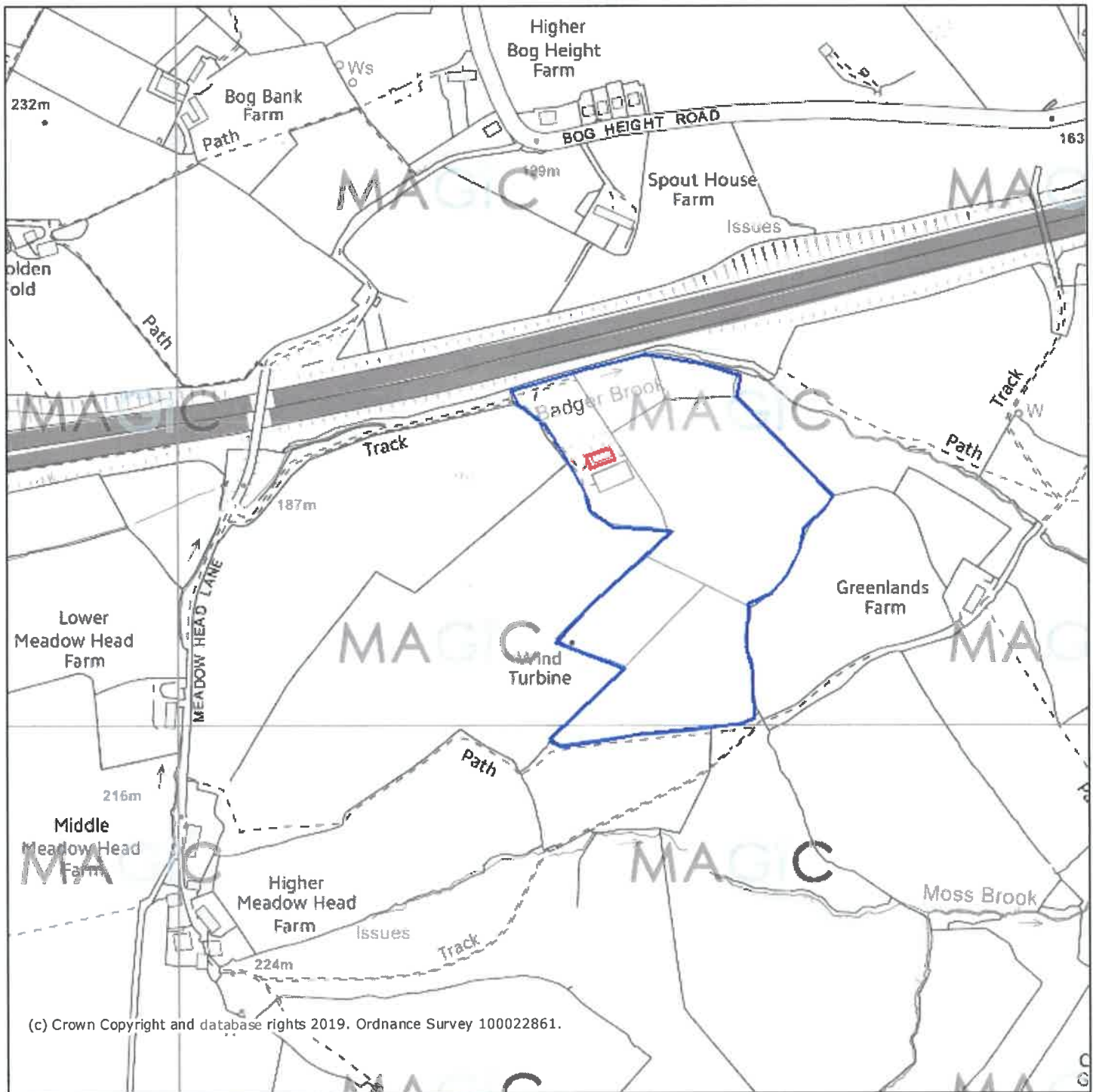
7. The granting of planning permission does not entitle a developer to obstruct, move, or disturb the surface of any public footpath, bridleway, byway open to all traffic or a road used as a public path. Any proposed stopping-up or diversion of a public right of way should be the subject of an Order under the appropriate Act. Failure to comply with the above may render the developer liable to action by the Highway Authority. All Enquiries to [Highways@blackburn.gov.uk](mailto:Highways@blackburn.gov.uk)

This written notice indicates that the proposed development would comply with Conditions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015(as amended).

It is a requirement of the above conditions, that the development shall be carried out in accordance with the information that the developer provided to the local planning authority, unless the Local Planning Authority and the developer agree otherwise in writing.



Martin Kelly,  
Director of Growth & Development  
Blackburn with Darwen Borough Council



Projection = OSGB36

xmin = 366400

ymin = 423700

xmax = 368200

ymax = 424600

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**Notes:**  
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**SPECIFICATION:**  
 FRAME - STEEL PORTAL FRAME  
 CLADDING - STONE CLADDING & TIMBER VERTICAL BOARDING  
 ROOF - LIGHTWEIGHT TATA ROOFING SHEETS WITH ZINC APPEARANCE  
 DOORS - GALVANIZED STEEL ROLLER SHUTTER DOOR, WITH GALVANIZED PERSONNEL DOOR  
 FLOOR - CONCRETE  
 RAIN WATER GOODS - PLASTIC

Client

Mr & Mrs Driver

Drawing Title

Proposed Elevations

Project Address

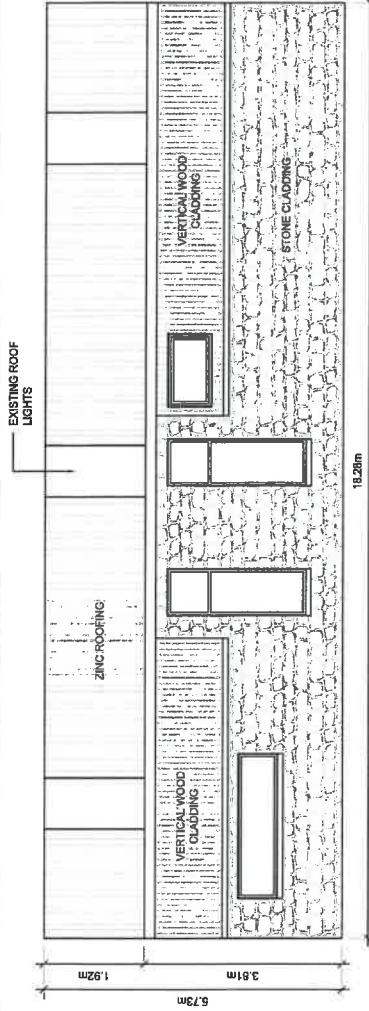
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 Tockholes, BB3 0LQ

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		APPROVED	SM

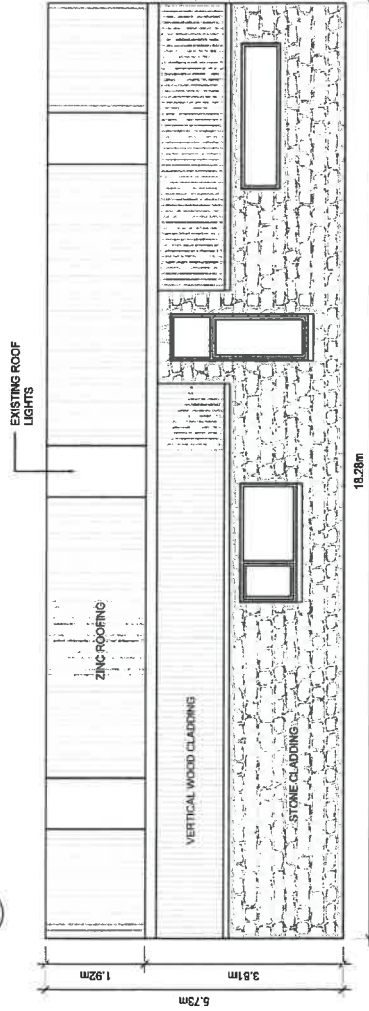


**MACMARSHALLS**  
 RURAL CHARTERED SURVEYORS  
 & PLANNING CONSULTANTS

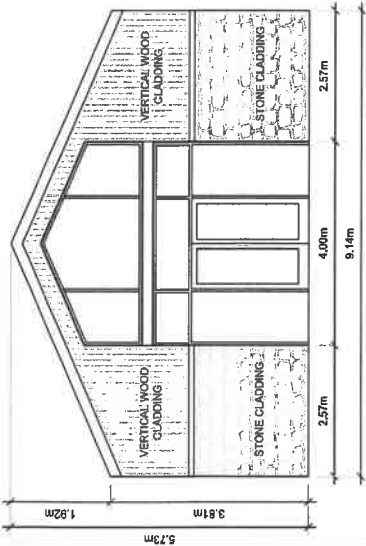
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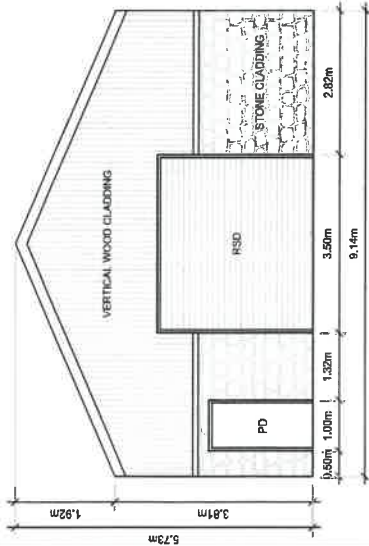
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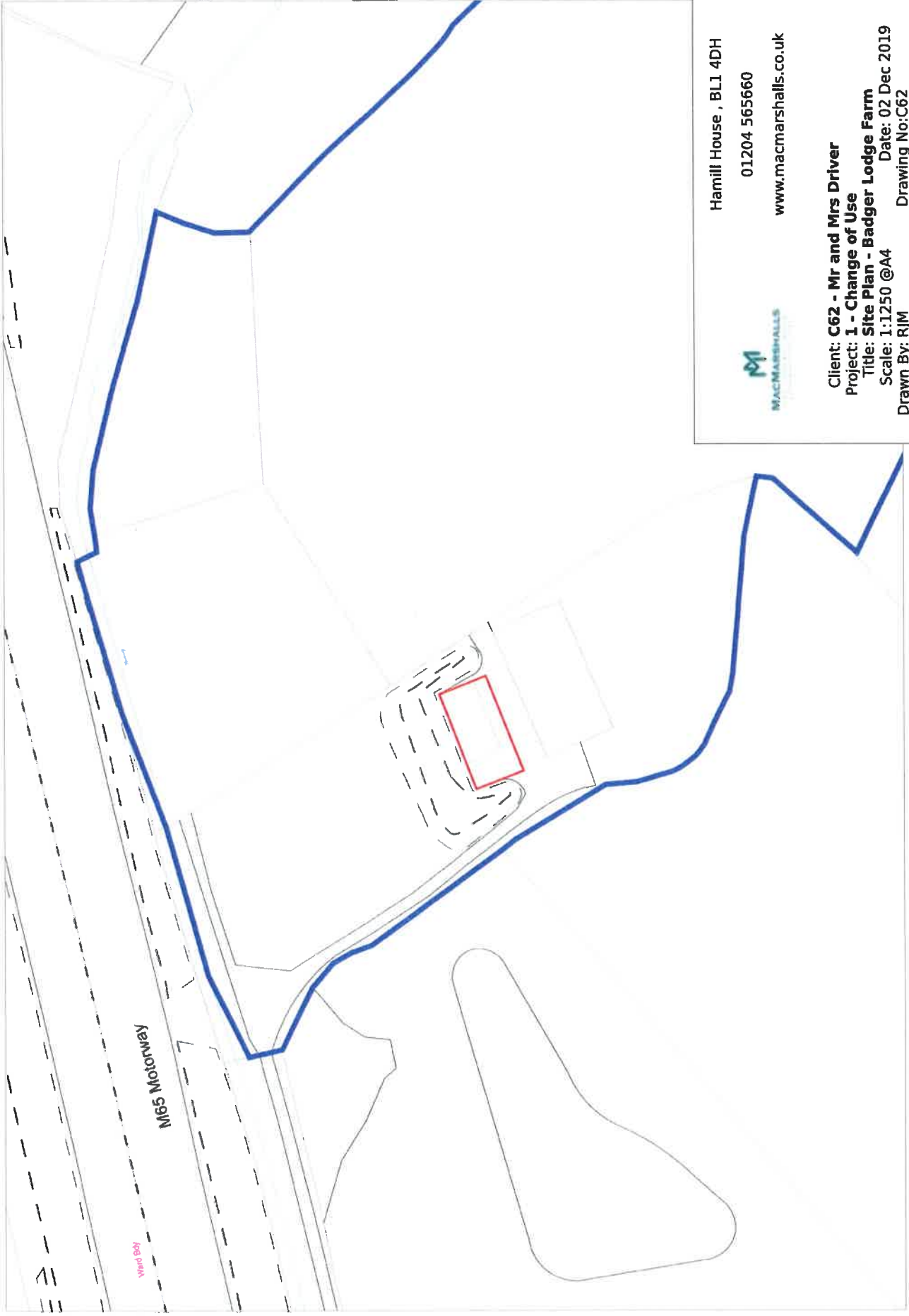
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1 WEST ELEVATION  
 DR-4 SCALE: 1:100



3 EAST ELEVATION  
 DR-4 SCALE: 1:100



Hamill House , BL1 4DH  
01204 565660  
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Client: **C62 - Mr and Mrs Driver**  
Project: **1 - Change of Use**  
Title: **Site Plan - Badger Lodge Farm**  
Scale: **1:1250 @A4** Date: **02 Dec 2019**  
Drawn By: **RJM** Drawing No:**C62**



CANALSIDE HOUSE, BREWERY LANE, SKIPTON, NORTH YORKSHIRE, BD23 1DR  
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25<sup>th</sup> November 2020

Ribble Valley Borough Council  
Planning section  
Council Offices  
Church Walk  
Clitheroe  
Lancashire  
BB7 2RA

Dear Sir/Madam

## **NOTIFICATION FOR PRIOR APPROVAL FOR A PROPOSED CHANGE OF USE OF AGRICULTURAL BUILDING TO A DWELLINGHOUSE – HORTON GRANGE FARM, HORTON**

### INTRODUCTION

We write on behalf of Mr Isaac Lancaster, the applicant, to formally submit a notification for prior approval for a proposed change of use of agricultural buildings at Horton Grange Farm, Horton, to a dwellinghouse (C3) and for associated operational development. I hereby enclose the following documents:

- Completed Prior Approval Application Form;
- Structural Survey (Richard Lines at Noriker Civils);
- Location Plan;
- Existing and Proposed Floor Plans and Elevations;
- Response to ecology reason for refusal; and
- Application Fee of £206

For the reasons set out within this letter, we consider that the proposed development meets the legislative criteria of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments. We therefore seek the council's determination as to whether prior approval is required from the council in respect of:

- a) Transport and highways impacts of the development;
- b) Noise impacts of the development;
- c) Contamination risks on the site;
- d) Flooding risks on the site;
- 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

- f) the design or external appearance of the building.
- g) The provision of adequate natural light in all habitable rooms of the dwellinghouses.

#### PLANNING HISTORY

An application for the change of use of an agricultural building into a single dwelling was submitted to Ribble valley Borough Council on 26<sup>th</sup> August 2020. This application was refused on 20<sup>th</sup> October 2020 for the following reasons:

1. The building operations proposed to facilitate the conversion of the agricultural buildings would include the construction of new structural elements for the building which go beyond those reasonably necessary to convert the building contrary to criteria Q.1(i) of Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015
2. The demolition operations proposed to facilitate the conversion of the agricultural buildings would go beyond those reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i) contrary to criteria Q.1(i) of Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
3. Insufficient evidence has been submitted to assess the potential impact of the development on protected species, namely bats. In the absence of such information therefore, the likelihood that the proposed works will cause disturbance to bats, result in the loss of a bat roost or cause injury or death to bats cannot be determined and the proposed works would fail to satisfy the requirements of Q.2 (1)(e) of Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
4. The external appearance of Barns, having particular regard to overall design, external materials and fenestration would give the building an overtly suburban character which would transform its existing appearance to one which would be incompatible with and unsympathetic to its rural surroundings in conflict with the requirements of the National Planning Policy Framework and Q.2(f) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The application is supported by a structural survey that confirms that the barns are substantial buildings with concrete floors and are structurally capable of conversion.

In the *Hibbitt v. SSCLG* [2016] EWHC 2853 (Admin) High Court case, it outlines that there are three components of significance when considering Class Q permitted development. The first is the assumption that the building must be capable of functioning as a dwelling. Second, that the development include no new structural

elements. Third, that the existing building must be sufficiently structurally strong to bear the loading from the external work.

Since this decision, in allowing an appeal<sup>1</sup> for the change of use of an agricultural building to a dwelling within the Suffolk Coast District an Inspector has stated:

It is proposed to convert the barns into a single residential dwelling with associated amenity area and parking. The location of the buildings are shown in figures 1 and 2 below:

9. The GPDO and National Planning Policy Guidance confirm that the permitted development right allows for the installation or replacement of windows, doors, roofs, exterior walls...and partial demolition to the extent reasonably necessary to carry out these building operations. **As the basic structural framework of the building in the concrete floor and steel frame would be retained, and those elements to be installed or replaced are referred to specifically within Class Q.1, I consider that in respect of the extent of building works proposed in Appeals A and B, the provisions of Class Q (b) would be satisfied. (our emphasis)**

In light of the above, the barn is entirely capable of functioning as a dwelling, and the structural reports demonstrate that the barn is sufficiently strong enough to accommodate the proposed scheme with no new structural elements.

This application does not propose the demolition of adjacent barn. This has already been done by the applicant.

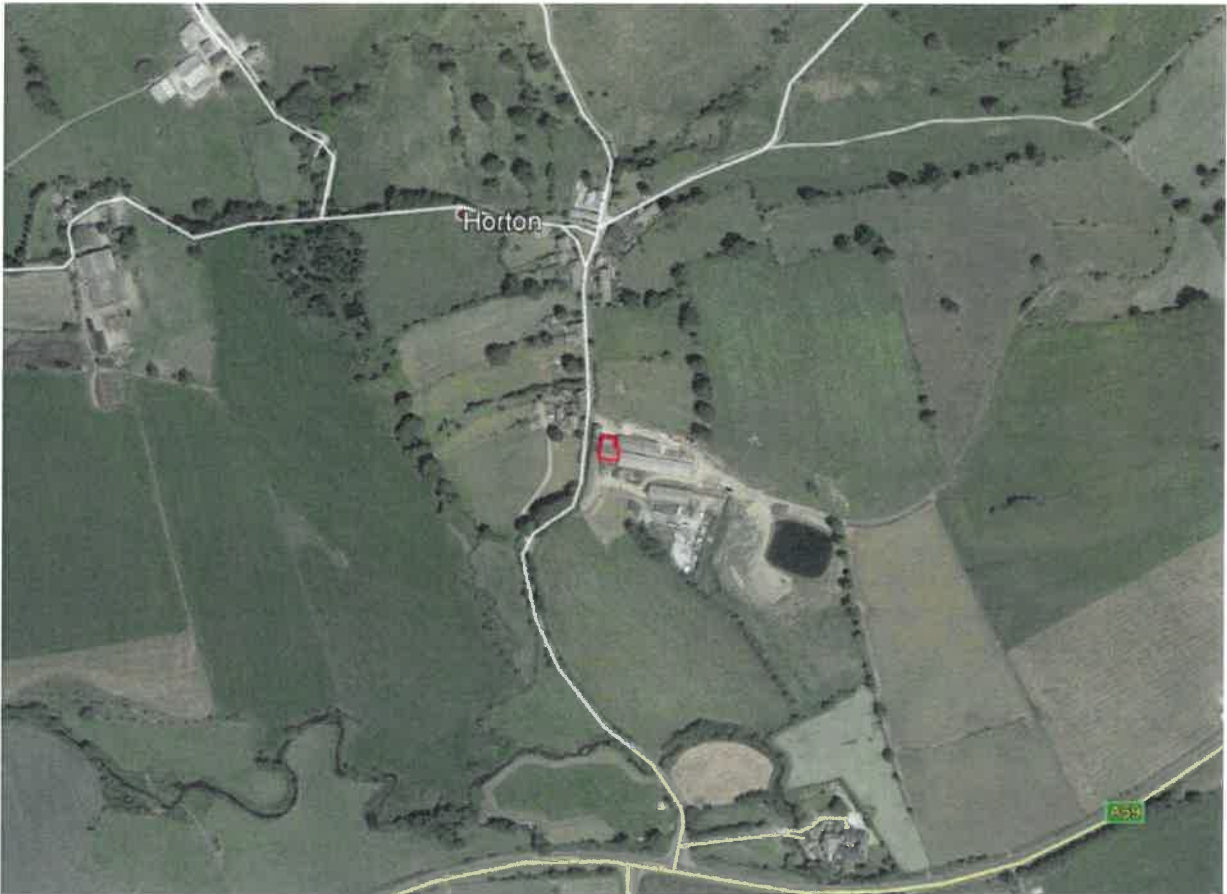
This application is supported by a statement prepared by Mr David Pollard, Principal Ecologist at Rural Solutions which provides his professional response to reason 3, as referenced above.

Following determination of the previous application, the design of the external appearance of the barns has been reviewed in recognition of the reasons for refusal. The scheme now proposes only a minimal number of new openings to allow sufficient light into the habitable rooms of the dwelling. In particular, the southern elevation has been redesigned significantly reducing the substantial glass openings, as shown in the images below:

---

<sup>1</sup> APP/J3530/W/ 17/3169488





*Figure 3: Location of site in proximity to the village of Horton and the A59.*



*Figure 4: Location of buildings on western edge of Horton Grange Farm farmyard.*

The buildings are used as part of the farming operations at Horton Grange Farm. Additional photographs of the buildings (internal and external) are contained at Appendix I.

The Dutch Barn and rectangular barn are both of traditional construction of red brick wall and corrugated roof. The Dutch Barn measures 15.1m long by 10.4m wide, giving 157sq. m gross external area. The rectangular building measures 19.3m long by 14.2m wide, giving 278sq. m gross external area. Combined, the building provide a gross external area of 435sq. m.

It is intended that the proposed residential conversion will be retained as part of the farmstead to achieve additional income for the owners.

It is proposed to utilise the northern entrance to the farmyard as access to the proposed dwelling. This access point is one of two currently used by the farm and both have adequate visibility to ensure a safe means of access can be achieved. A photograph showing the site entrance is provided at within the attached Appendix. Parking spaces will be provided within the courtyard area to the east of the dwelling.

## LEGISLATIVE PROVISIONS

### CLASS Q

Without the need for planning permission, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended provides for:

- (a) change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and
- (b) development building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

For ease, the relevant criteria of Class Q has been set out below in a tabular format, with commentary on how the proposal meets these criteria; thus resulting in a permitted form of development.

### Agricultural Barns at Horton Grange Farm Compliance with Class Q:

Criteria of Q.1 (development is not permitted if...)	Response
(a) the site was not used solely for agricultural use, as part of an established agricultural unit –	The buildings are currently in agricultural use and are

<p>on 20th March 2013;          if the site was not in use on that date, when it was last in use; or          if the site was brought into use after that date, for ten years before the date the development begins.</p>	<p>part of an established agricultural unit at Horton Grange Farm. The Dutch Barn is currently being used for agricultural storage associated with the farmyard and the rectangular building is used to house livestock.</p>
<p>As amended in 2018:</p> <p>(b) the cumulative floor space of the existing building or buildings changing use under Class Q within an established agricultural unit exceeds 465 square metres as a larger dwelling or five smaller dwellings at 100 sq. m (total 865 sq. m).</p>	<p>The gross internal floor space proposed to change use has been measured as approximately 436 sqm.</p> <p>The floor space proposed to change therefore falls within the permitted limit.</p>
<p>As amended in 2018:</p> <p>(c) the cumulative number of separate dwelling houses developed under Class Q within an established agricultural unit exceeds three larger homes with a combined maximum floor space of 465 sq.m or up to five smaller homes upon 100 sq.m each, or a mix of both with a maximum number of five dwellings.</p>	<p>The proposal will result in the creation of one single dwellinghouse.</p> <p>The floor space which is proposed to be changed therefore falls within the permitted limit</p>
<p>(d) the site is occupied under an agricultural tenancy unless the express consent of both the landlord and the tenant has been obtained.</p>	<p>The site is not currently occupied under an agricultural tenancy agreement and that no such agreement has been terminated within the last year.</p>
<p>(e) less than one year before the date development begins –</p> <p>(i) an agricultural tenancy over the site has been terminated, and</p>	<p>The site is not currently occupied under an agricultural tenancy agreement and that no such agreement has been</p>

<p>(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</p>	<p>terminated within the last year.</p>
<p>(f) 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 since 20th March 2013, or where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins.</p>	<p>No development has been carried out on the agricultural unit under Part 6 of the GDPO since 20th March 2013</p>
<p>(g) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point.</p>	<p>No additional development beyond the building line is proposed. The footprint will remain as existing.</p>
<p>As amended in 2018:</p> <p>(h) The cumulative number of separate dwelling houses developed under Class Q within an established agricultural unit exceeds three larger homes with a combined maximum floor space of 465 sq.m or up to five smaller homes upon 100 sq.m each, or a mix of both with a maximum number of five dwellings.</p>	<p>No separate dwelling houses have been developed thus far utilising Class Q.</p> <p>The floor space proposed to change therefore falls within the permitted limit</p>
<p>(i) the development under Class Q(b) would consist of building operations other than –</p> <p>(i) the installation or replacement of -</p> <p>(aa) windows, doors, roofs, or exterior walls, or</p> <p>(bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling house; and</p> <p>(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).</p>	<p>The proposed scheme for conversion would involve minimal alteration and would comply with the criteria under Q.1 (i).</p> <p>The buildings have an existing water and electricity supply. Please see the accompanying existing and proposed floor plans and elevations for more details.</p>

(j) the site is on article 2(3) land	The article is not on article 2(3) land.
(k) 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 is not or does not form part of any of the listed areas.
(l) the site is, or contains, a scheduled monument	The site is not or does not contain a scheduled ancient monument.
(m) the building is a listed building	The building is not listed.

#### Agricultural Barns at Horton Grange Farm Compliance with Conditions:

In addition to meeting the above criteria of Class Q, it is also a requirement to address matters (a) – (f) below which are included as conditions of the legislation. Again, for ease, each matter has been addressed in a tabular format below.

- (a) Transport and highways impacts of the development;
- (b) Noise impacts of the development;
- (c) Contamination risks on the site;
- (d) Flooding risks on the site;
- (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
- (f) The design or external appearance of the building.

Conditions Q.2—(1)	Assessment
(a) Transport and highways impacts of the development	The site benefits from an existing access on/off the public highway to the north west of the site.

	<p>The site access has a good safety record and the development of a residential dwelling will not create an unacceptable level of intensification of the use of the site access or the lane.</p> <p>A safe means of access can be achieved.</p>
<p>(b) Noise impacts of the development</p>	<p>Following the demolition of part of the adjoining agricultural buildings a courtyard will be proposed to the east to provide amenity space for the proposed residential unit. This will not only give the new unit some private, south facing amenity space but also remove any conflict with the adjoining use. The remaining agricultural buildings will be used for agricultural storage adjacent to this courtyard area.</p> <p>The site is considered to have an acceptable relationship with adjacent residential uses and its use is compatible so that no unacceptable noise impacts would arise that would impact on existing neighbours, or the occupiers of the proposed dwelling.</p>
<p>(c) Contamination risks on the site</p>	

	<p>There are no contamination risks of developing this site. The proposed development will not require any excavation of the land and there are no contaminants within the existing building.</p>
<p>(d) Flooding risks on the site</p>	<p>The site lies within Flood Zone I, as designated by the Environment Agency. This is classified as an area with the lowest risk from flooding, and as the site area is under one hectare, a flood risk assessment would not be required.</p>
<p>(e) Whether the location or siting of the building makes it otherwise impractical or undesirable of the building to change from agricultural use to a use falling within Class (dwellinghouses) of the Schedule to the Use Classes Order, and</p>	<p>The site is served by an existing access and has access to water and power; the re-use of this building to provide residential accommodation is both practical and efficient.</p> <p>The adjacent uses are compatible with the proposed residential use of the barn and made more so by the demolition of part of the agricultural buildings that adjoin the proposed development.</p> <p>The proposal (as shown on the accompanying proposed site plan) also includes a car parking area which together with the courtyard area, is no</p>

	<p>greater than the existing building, in line with the Legislation.</p> <p>The farm buildings adjacent to the proposed development will be used only for storage. The use of these buildings will not impact upon the future occupants of the subject building.</p>
<p>(f) The design or external appearance of the building.</p>	<p>As shown on the accompanying proposed elevational drawings, minimal changes to the external appearance of the building are proposed.</p> <p>The character of the buildings are to be preserved, through the retention of the existing openings.</p> <p>The proposed scheme for conversion complies with the criteria under Class Q.1 (i).</p>
<p>(g) The provision of adequate natural light in all habitable rooms of the dwellinghouses.</p>	<p>As shown within the accompanying drawing package, the proposed scheme provides adequate natural light to all habitable rooms.</p>

## CONCLUSION

In conclusion, it has been demonstrated above and within the planning submission, that the proposed conversion of the dairy building and red brick barn accords with Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its 2018 amendments.

The revised scheme recognises and addresses the concerns raised by the council as part of the original application. It is therefore our considered view that the proposal meets the legislative criteria and its conditions.

The re-use of these underutilised agricultural buildings is an exciting opportunity to secure the long-term future of this building and Horton Grange Farm.

We trust that you have everything you require to ensure a swift validation of this application. However, if you have any further questions or would like to discuss any of the above, please do not hesitate to contact me.

Yours sincerely

**Fiona Tiplady**  
Senior Planner



## APPENDIX 1: INTERNAL AND EXTERNAL PHOTOGRAPHS OF THE AGRICULTURAL BUILDINGS



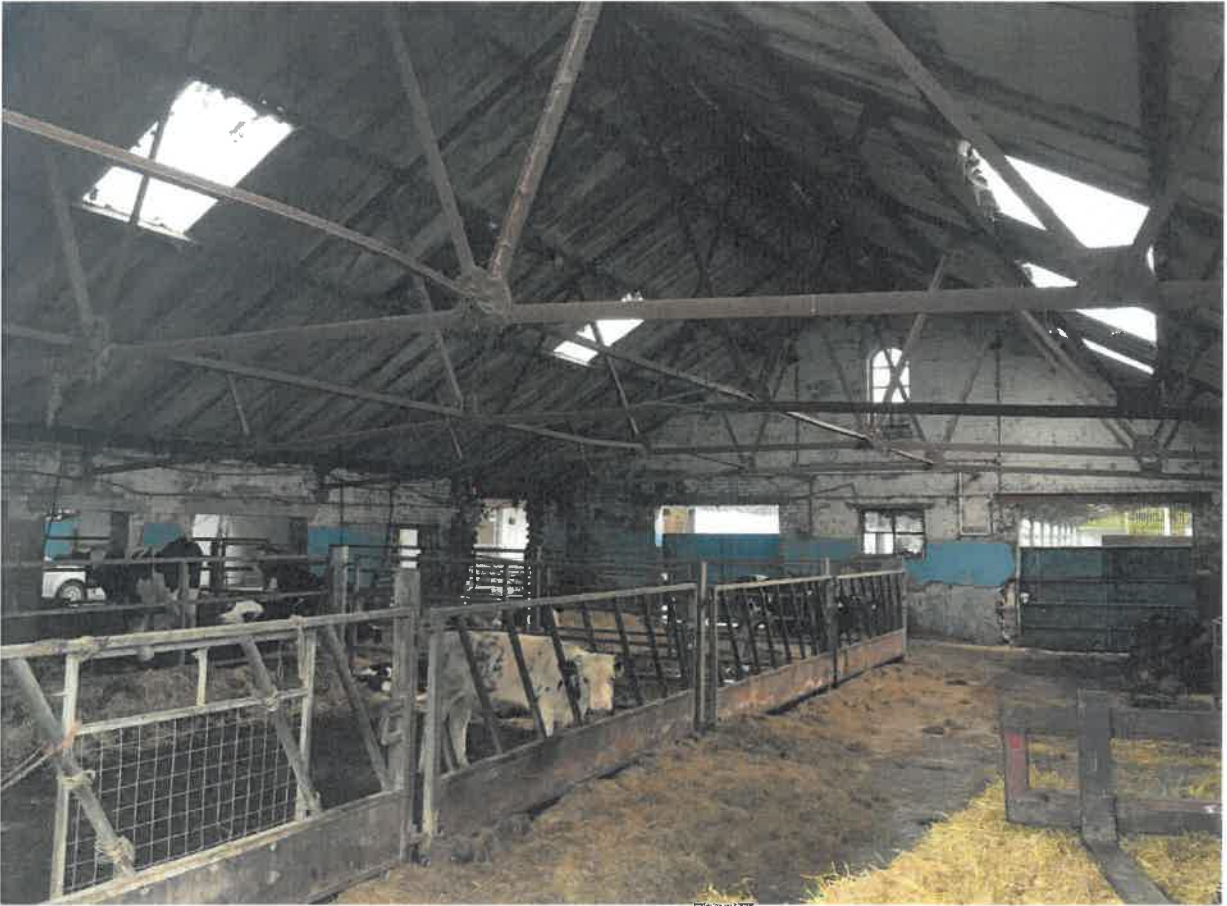
Photograph 1: Proposed buildings viewed from the south



Photograph 2: Dutch Barn viewed from northeast



Photograph 3: Internal Dutch Bar



Photograph 4: Internal Rectangular Building



Photograph 5: Western elevation showing portacabins and sheds to be demolished.



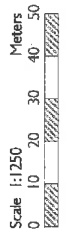
Photograph 6: The Existing Northern Access

DRAWING PACKAGE  
REVISION A 05.11.2020

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LAND AT HORTON GRANGE FARM  
ON BEHALF OF MR. ISAAC LANCASTER

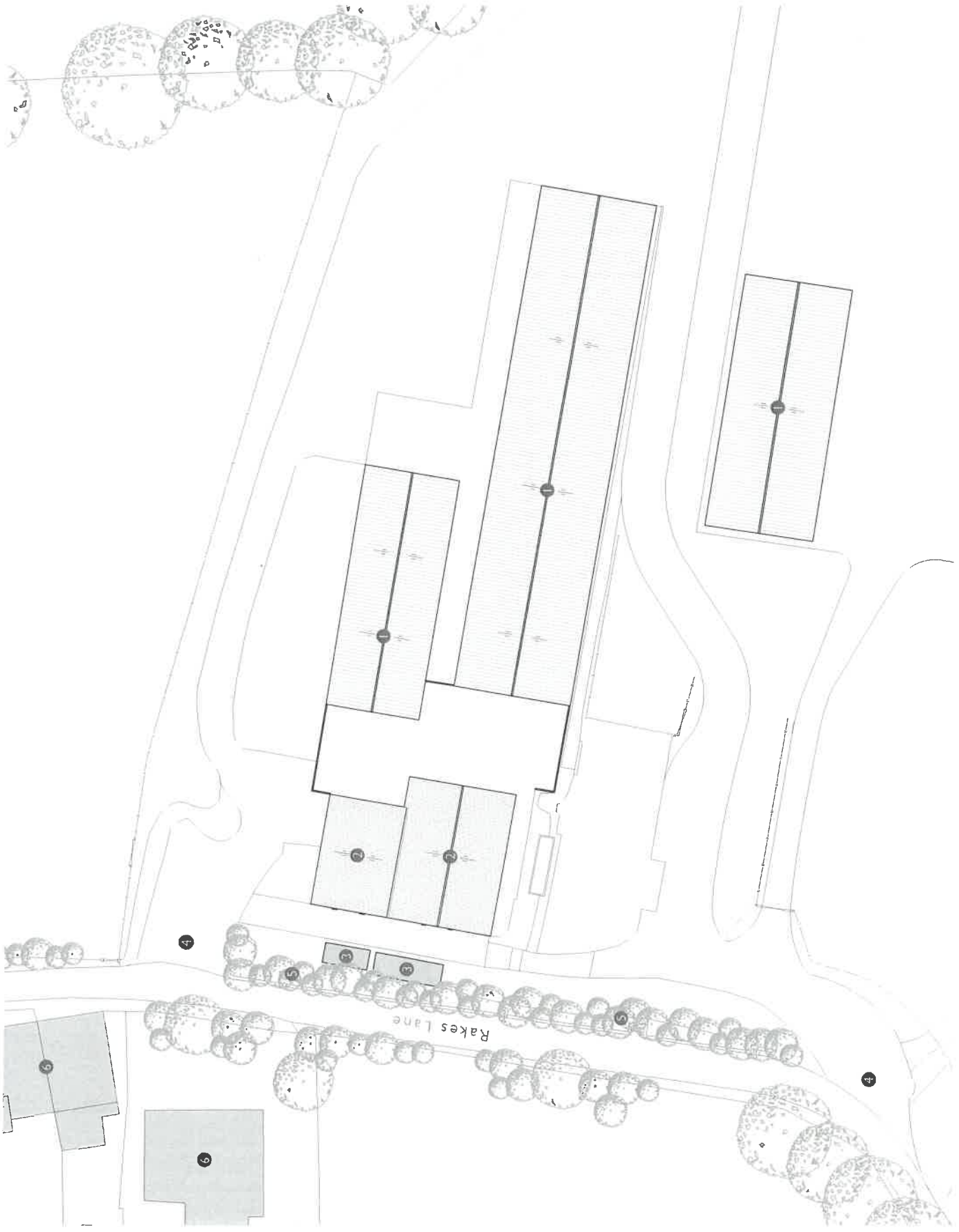
PRODUCED BY RURAL SOLUTIONS LTD



Site area: 0.09 Hectares

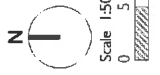
SITE PHOTOGRAPHS





Key

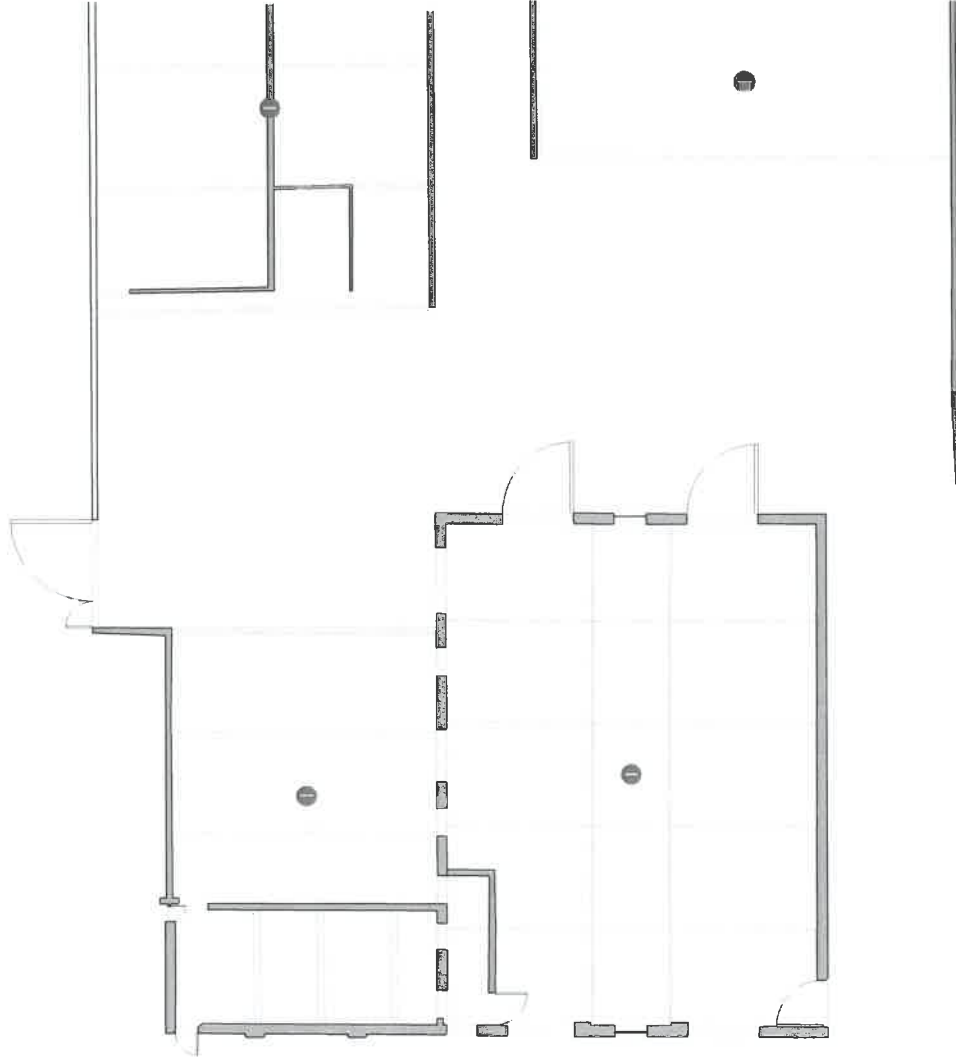
- 1. Existing agricultural storage
- 2. Existing agricultural barn
- 3. Existing shed
- 4. Existing access
- 5. Existing planted buffer
- 6. Neighbouring building



FLOOR PLAN\_AS EXISTING 1:200 @ A3

Ground Floor Key

1. Agricultural Storage



Floor Plan



Scale 1:200  
0 2 4 6 8 10  
Meters

Material Palette

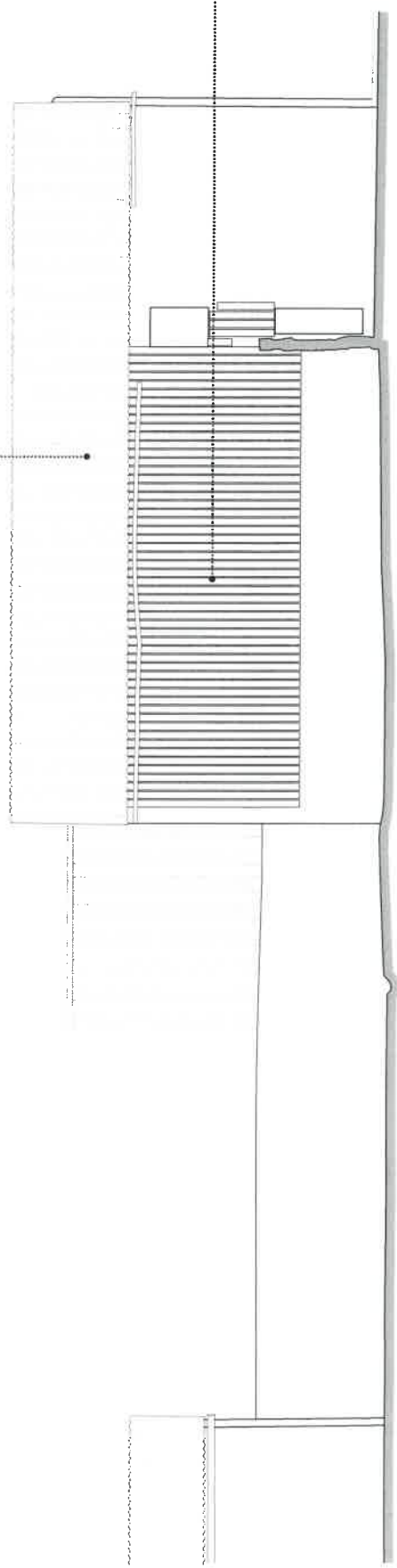
Walls - Local brick with timber boarding  
infill

Doors & Windows - Timber

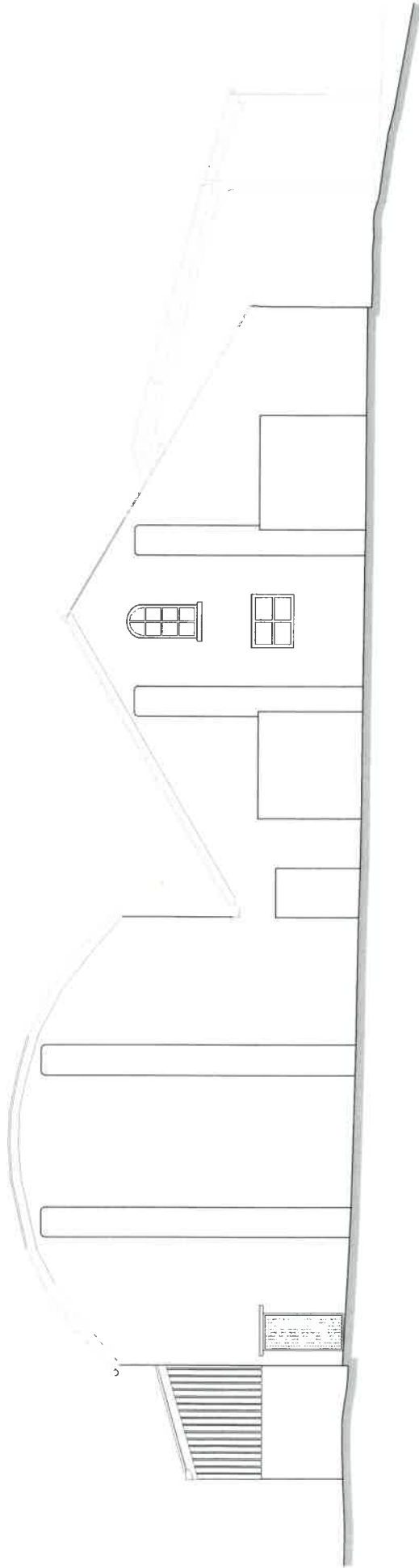
Roof - Profiled metal sheeting

Existing barn

Timber boarding  
infill



North Elevation



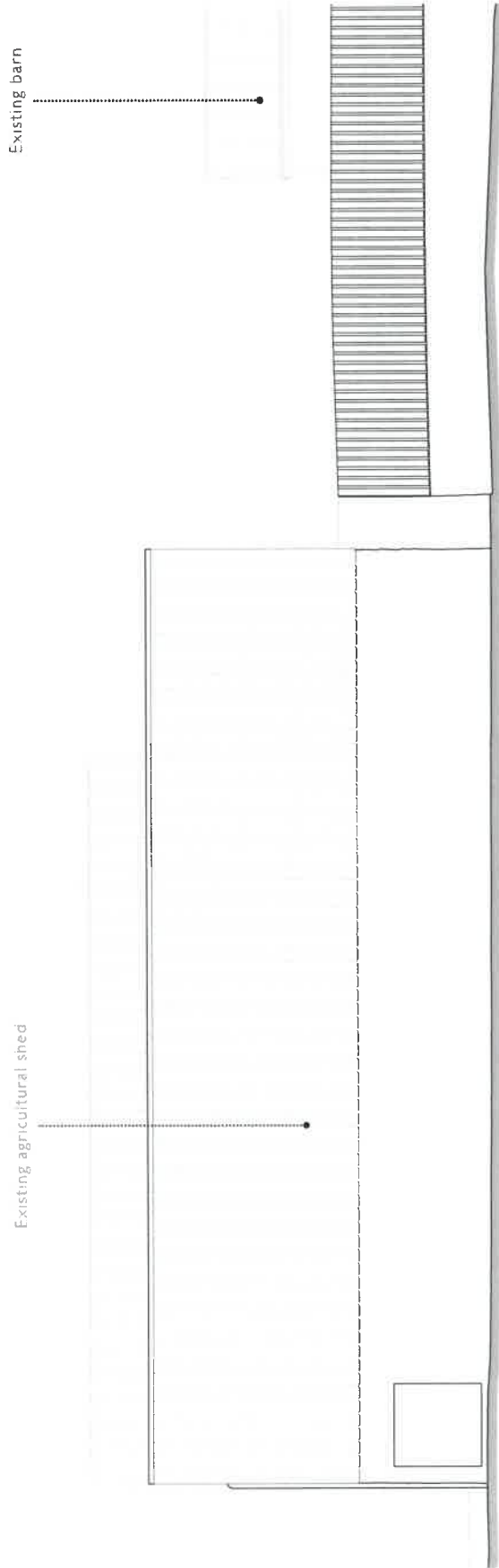
West Elevation



ELEVATIONS\_AS EXISTING 1:100 @ A3

Material Palette

- Walls - Local brick with timber boarding
- infill
- Doors & Windows - Timber
- Roof - Profiled metal sheeting



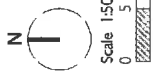
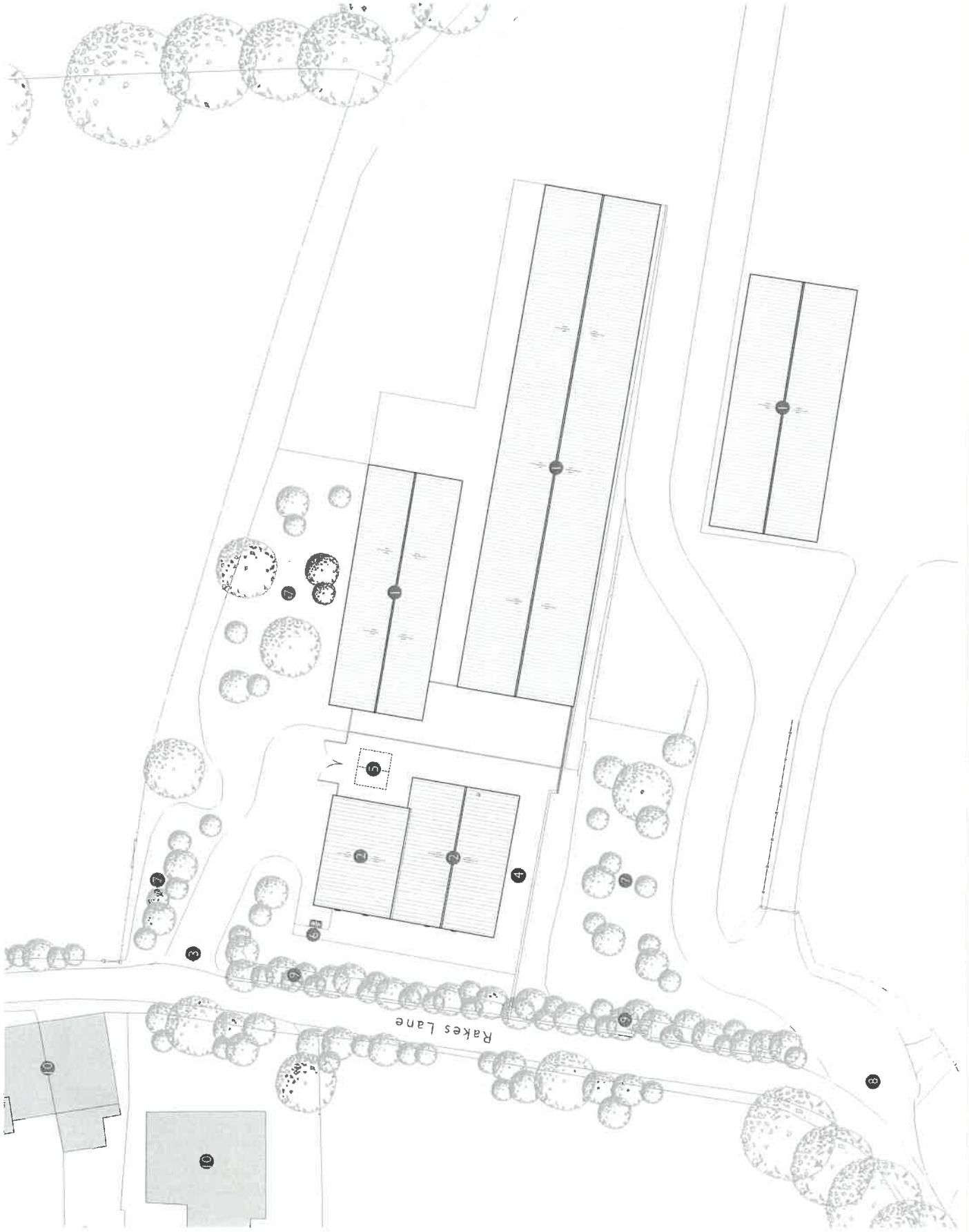
South Elevation

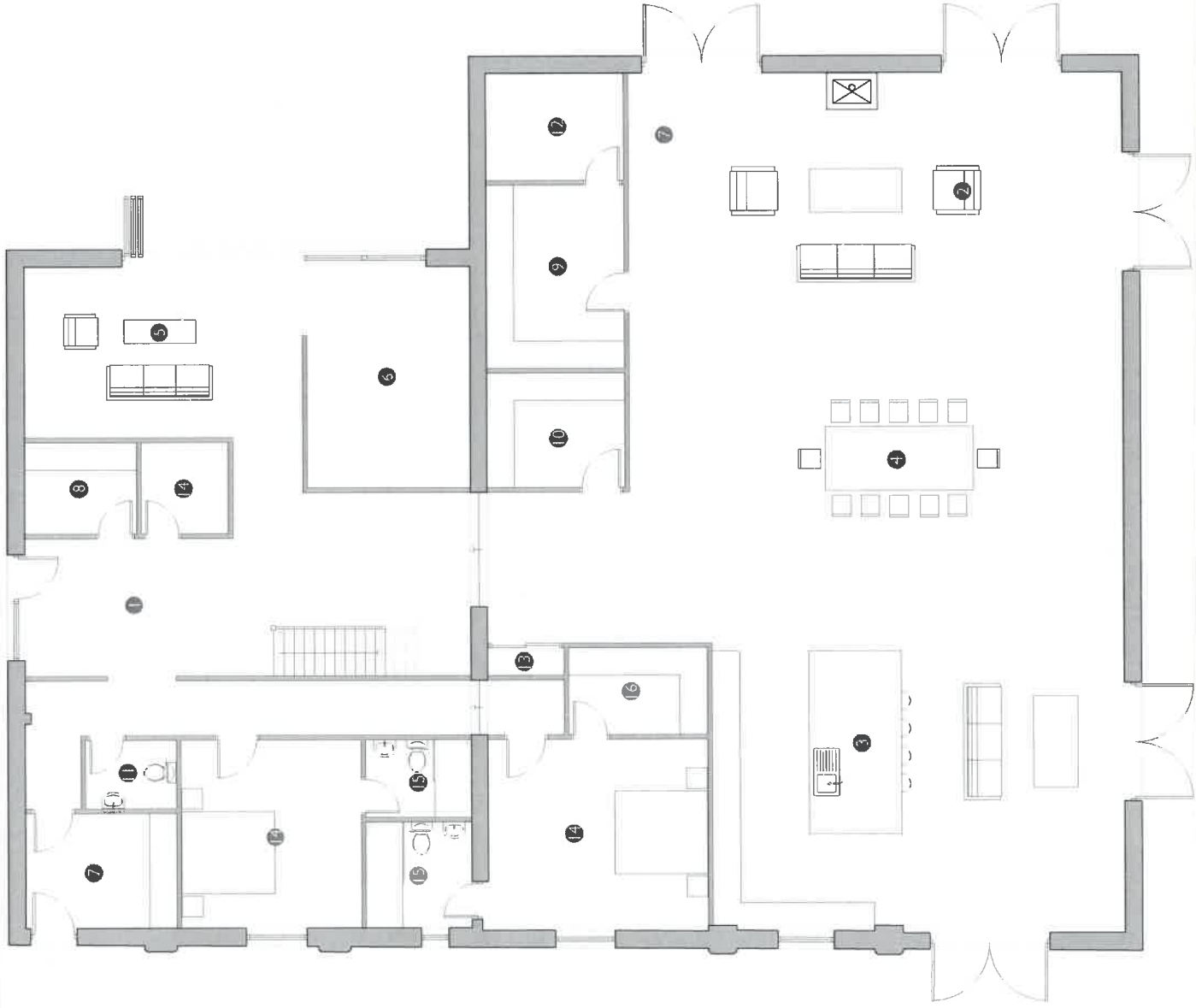


SITE PLAN\_AS PROPOSED 1:500 @ A3

Key

- 1. Existing agricultural storage
- 2. Proposed barn conversion
- 3. Proposed residential access
- 4. Proposed garden
- 5. Proposed parking
- 6. Proposed bin store
- 7. Proposed planting
- 8. Proposed agricultural access
- 9. Existing planted buffer
- 10. Neighbouring building





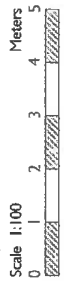
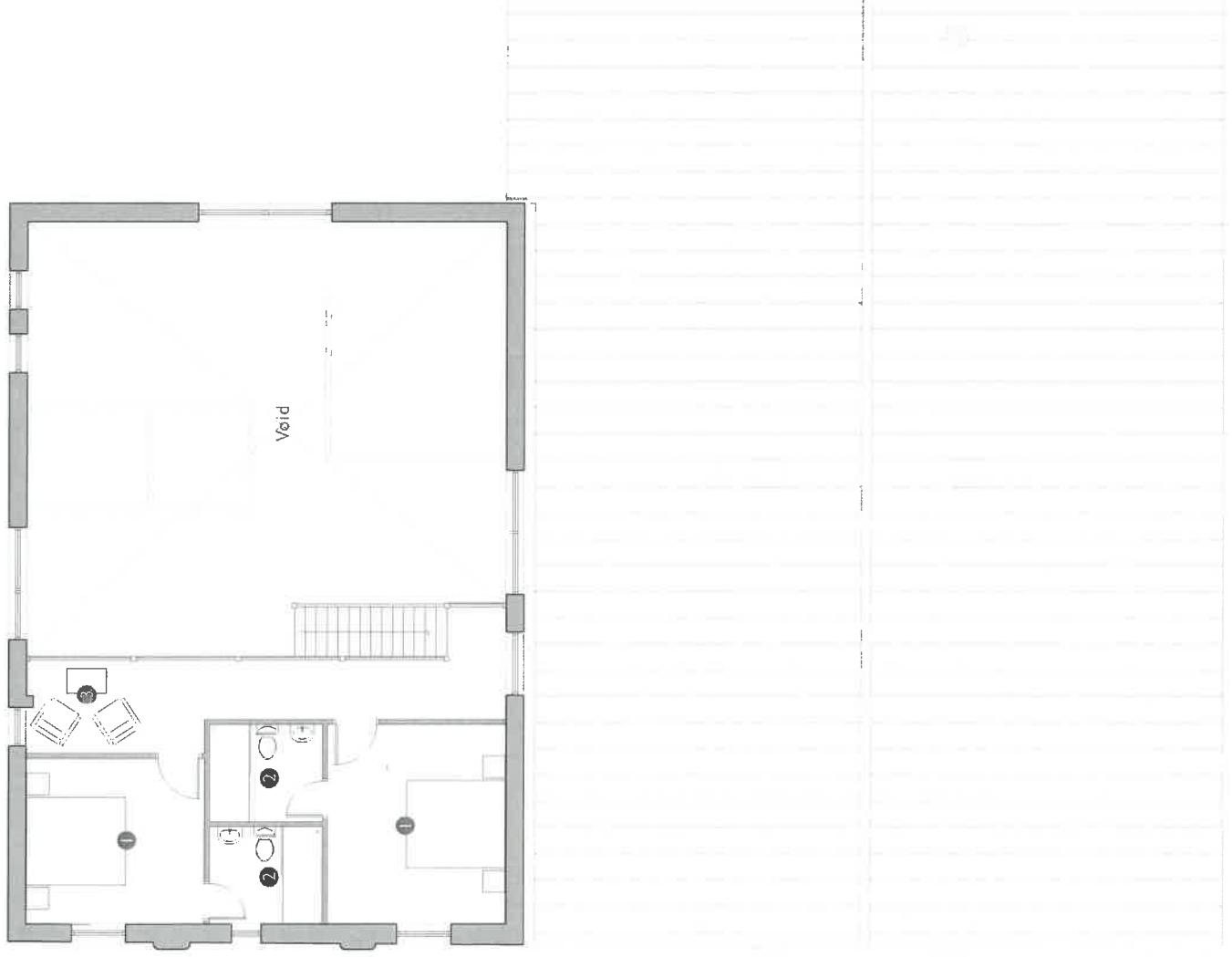
Ground Floor Key

- 1. Entrance Hall
- 2. Living
- 3. Kitchen
- 4. Dining
- 5. Snug
- 6. Games Room
- 7. Boot Room
- 8. Cloaks
- 9. Utility
- 10. Pantry
- 11. W/C
- 12. Plant
- 13. Store
- 14. Bedroom
- 15. En-Suite
- 16. Dressing Room



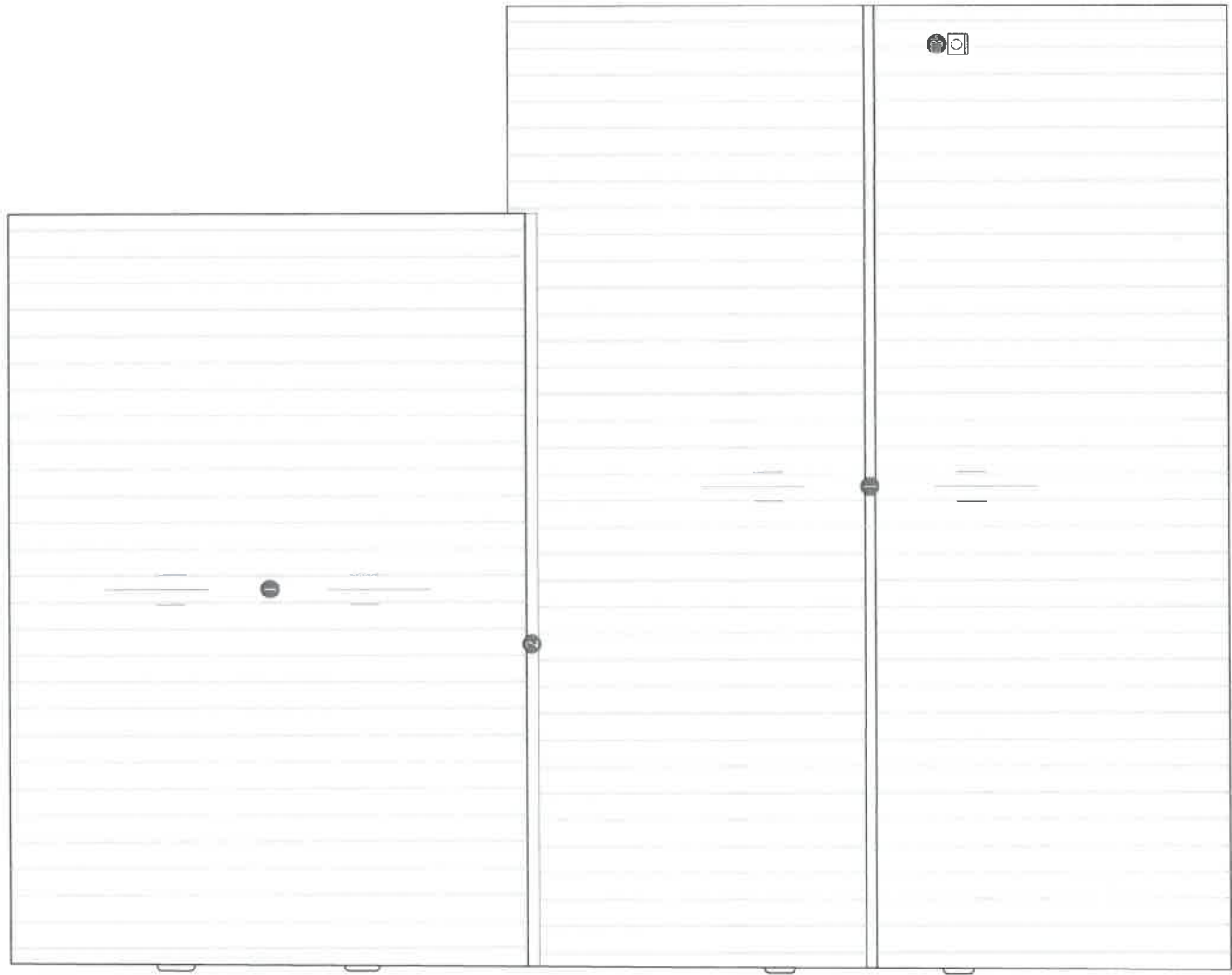
First Floor Key

- 1. Bedroom
- 2. En-Suite
- 3. Gallery



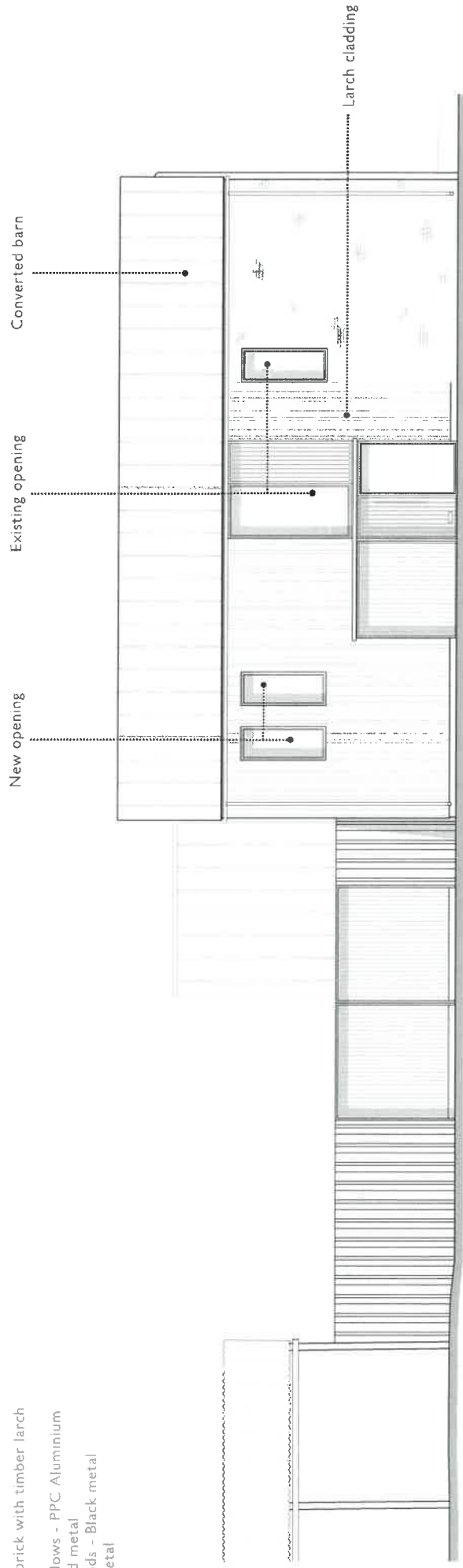
Roof Plan Key

- 1. Profiled Metal Roof
- 2. Galvanised Steel Valley Gutter
- 3. Black metal flue

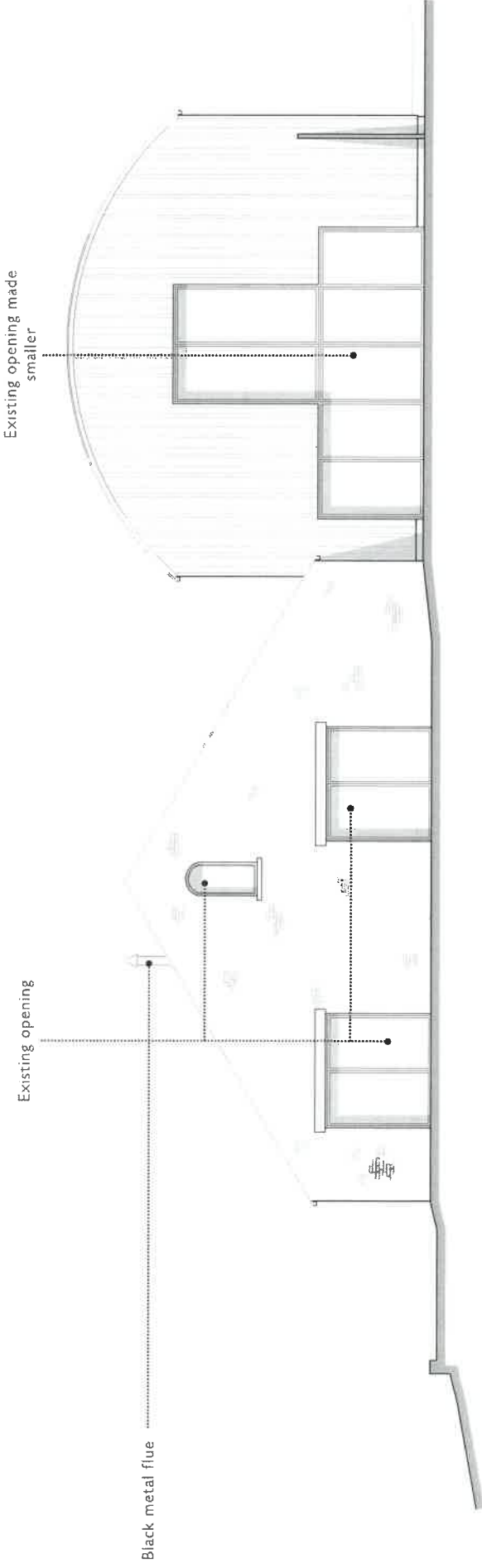


Material Palette

- Walls - Local brick with timber larch cladding
- Doors & Windows - PPC Aluminium
- Roof - Profiled metal
- Rainwater goods - Black metal
- Flue - Black metal



North Elevation



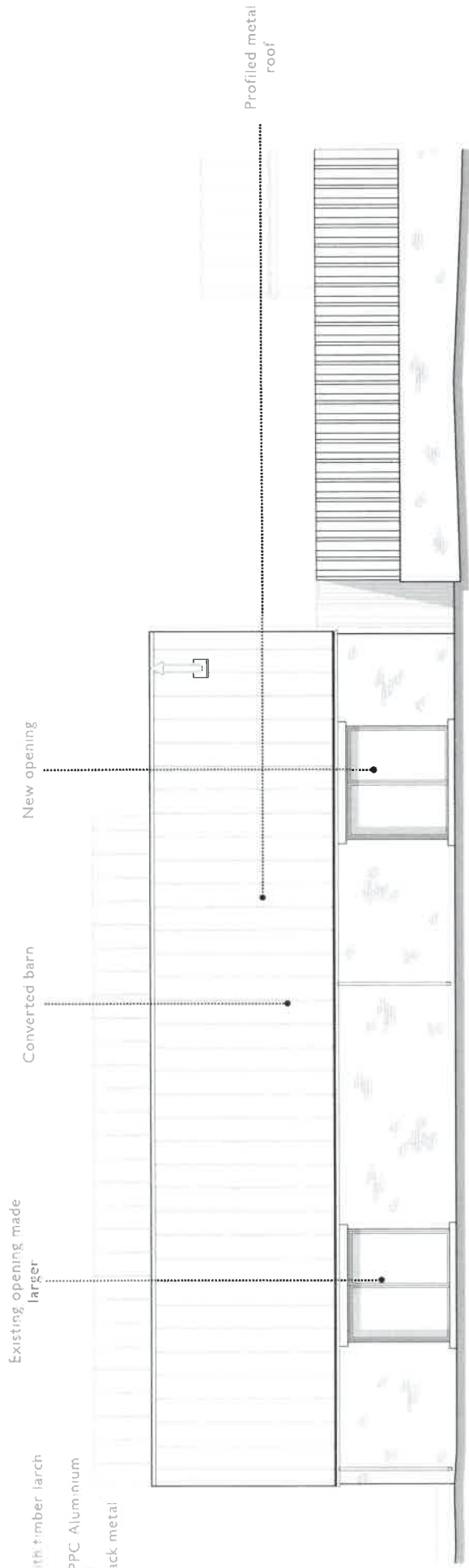
East Elevation



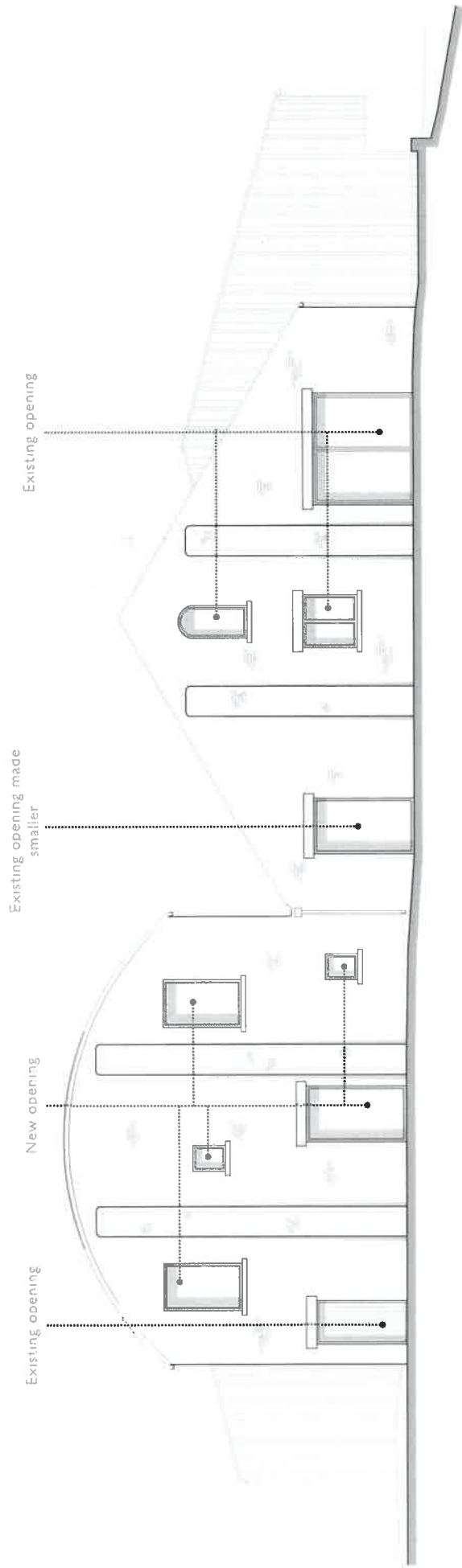
ELEVATIONS\_AS PROPOSED 1:100 @ A3

Material Palette

- Walls - Local brick with timber larch cladding
- Doors & Windows - PPC Aluminium
- Roof - Profiled metal
- Rainwater goods - Black metal
- Flue - Black metal



South Elevation



West Elevation



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2020





Sophie Marshall <sophie@macmarshalls.co.uk>

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## 3/2021/0096 - Class Q - Pinfold Farm

---

**Fiona Tiplady** <Fiona.Tiplady@ruralsolutions.co.uk>  
To: Sophie Marshall <sophie@macmarshalls.co.uk>

15 March 2021 at 10:16

Hi Sophie,

No updates from the case officer or Ribble Valley. We have advised our client that no decision was given in the 56 day time period and as such the Class Q can be carried out.

Kind regards

Fiona



Fiona Tiplady MRTPI

Associate Director - Planning

COVID-19: REMOTE WORKFORCE



t: 01756 797501 | w: ruralsolutions.co.uk

Canalside House, Brewery Lane, Skipton, North Yorkshire, BD23 1DR

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[Quoted text hidden]

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## 2 attachments



**Rural Solutions**

**image001.png**  
5K

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**image008.png**  
1K