



Appeal Decision

Site visit made on 4 January 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th February 2023.

Appeal Ref: APP/T2350/W/22/3304870

Land adjacent to Whittle Hall Farm, Moor Lane, Langho BB7 9JH

- 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.
 - The appeal is made by Mr Tom Procter against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2022/0436, dated 29 April 2022, was refused by notice dated 22 June 2022.
 - The development proposed is described as: Proposed conversion/redevelopment of two agricultural buildings into two dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is common ground between the main parties that the appeal scheme meets the requirements of paragraph Q.1 of Part 3, Schedule 2 of the GPDO¹ such that it would constitute development permitted under Class Q, subject to the prior approval of certain matters. These matters include whether the location or siting of the development make it impractical or undesirable for the use of the building to change, and the design or external appearance of the buildings.
3. Paragraph W of Part 3 of the GPDO, sets out the procedure for applications for prior approval under Part 3. Paragraph W.10(b) 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'*. I have taken that into account in my decision

Main Issues

4. With regard to the above, the main issues are therefore:
 - whether the location or siting of the buildings would make it impractical or undesirable for them to change from agricultural use to a use falling within Class C3;
 - whether the proposed design would provide adequate living conditions for future occupants, with particular regard to privacy and outdoor amenity space;

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- the effect of the proposed design on the character and appearance of the buildings and the surrounding area; and
- the effect of the proposed development upon protected species.

Reasons

Location or Siting

5. Neither the GPDO nor the Planning Practice Guidance (PPG) define the terms 'impractical' or 'undesirable', but the PPG states that the decision-maker should apply a '*reasonable ordinary dictionary definition*'. It indicates that impractical reflects that the location and siting would '*not be sensible or realistic*', and undesirable reflects that it would be '*harmful or objectionable*'.
6. The reason for refusal, supported by the Council's appeal statement indicates that the location would be undesirable due to its isolated location from day-to-day services. The PPG makes clear that the Class Q permitted development right does not apply a test in relation to the sustainability of a location. It states that this is deliberate as the right recognises that many agricultural buildings will not be in settlements and may not be able to rely on public transport. On this basis, I am not convinced that the distance the proposed dwellings would be from services and reliance on the private car would make the location undesirable or impractical.
7. Whilst the access track is steep, it is also relatively short, providing direct access to the public highway at Moor Lane. The surface of the track could be improved through general maintenance. Having regard to the above, in my view, the location of the buildings at the end of a short track would also not make the location undesirable or impractical.
8. I am therefore satisfied that the location and siting of the buildings does not make it impractical or undesirable for their conversion and therefore in this regard the proposal would accord with the requirements of the GPDO.

Design – Living Conditions

9. Each dwelling would be provided with a small garden area extending around each building, which include parking areas. Whilst I note the Council's concerns regarding the adequacy of this for the size of dwellings proposed, the amount of outdoor space that can be provided for dwellings created under Class Q is specifically limited by paragraph X of Part 3 of the GPDO. It is therefore clear that only gardens of modest size are permitted through this part of the GPDO.
10. The garden areas would be of a sufficient size to allow a limited range of outdoor activities to take place such as drying clothes, sitting out and planting. Furthermore, given that the site is surrounded by open fields and that the occupiers would have immediate access to an extensive local public footpath network, I consider the gardens would be adequate in this case.
11. Although the proximity of the buildings to one another would ensure the dwellings would have a relatively close relationship, I am satisfied that given the highly open location, the development would not appear cramped to future occupants. Furthermore, given the arrangement of windows, it is unlikely the proposal would result in any window to window overlooking. Protection of the

adjacent garden areas from any overlooking could be secured by requiring windows on the opposing elevations to be obscure glazed.

12. I have had regard to paragraph 130 of the Framework and its requirements for developments to provide a high standard of amenity for existing and future users. Nevertheless, I am satisfied that the design would be acceptable with regard to living conditions having regard to the requirements of the GPDO.

Design - Character and Appearance

13. The buildings are located alongside one another in a cluster that also includes a sheep shelter which is proposed to be demolished. Whilst there is a small wooded area between the building group and the road, the site is located on a hillside and is a highly exposed and conspicuous feature within the landscape. The buildings themselves are typical of modern agricultural design, comprising of vertically boarded walls and modern sheeted roofs with rooflights positioned centrally within each bay. Both have openings at either end with no openings in their side elevations. I saw several groupings of similar buildings nearby. Their utilitarian appearance is a characteristic feature of the surrounding landscape.
14. Whilst it is proposed to glaze the main openings on the north west elevation of the building at plot 1, the south east elevation would be completely reconfigured with a large open canopied section to one side as well as domestic proportioned openings. This elevation faces the road and is visible from the public right of way to the east. The proposed north east elevation facing the public right of way would feature three new openings of domestic proportions. The rooflights proposed would take a haphazard appearance and would not reflect the regimented positions of the existing rooflights.
15. Similarly, the building at plot 2 also features extensive reconfiguration of openings, with six new openings to the south west elevation. Neither gable would reflect the scale and position of their existing openings. There would be new openings to the north west gable and the provision of another canopied section to the opposing gable. As with plot 1, the rooflights would be haphazardly arranged on the roof and would not reflect the existing regular arrangement.
16. The extensive repositioning of openings, haphazard positioning of rooflights and the extent of new openings on elevations that are highly visible within the open countryside would erode the buildings' regimented and functional appearance. The development would therefore appear incongruous, which, given the highly exposed location, would adversely affect the landscape character. I accept that a degree of change would inevitably occur as part of the conversion works and this is reflected in the scope of building operations permitted by the GPDO. However, I am not convinced that the interventions need be as extensive as those proposed, particularly when having regard to the sensitive location of the buildings.
17. Although I accept that the aforementioned wooded area would have the effect of filtering some views, the harm arising from the proposal would, nonetheless, remain highly evident from Moor Lane, particularly on the approach from the east. The proposal would also be highly prominent within the landscape in views from the public rights of ways to the east and west of the site. Given its exposed location, it is likely that the harm would extend further still, in wider landscape views, particularly after dark when the buildings are internally lit. On

such occasions, the haphazard arrangement of rooflights and extensive domestic style openings would be highly visible on the hillside.

18. Having regard to the above, I find that the design and external appearance of the proposal would adversely affect the character and appearance of the buildings and the surrounding countryside. The proposal would fail to comply with paragraphs 174 and 130 of the Framework insofar as they seek development to preserve local character, appearance and distinctiveness, and recognise the intrinsic character and beauty of the countryside. As such, the proposal would not meet the requirements of the GPDO in this regard.

Protected Species

19. Bats and wild birds are protected by law² and their presence is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. There is a statutory duty on me to have regard to the conservation of biodiversity³. Paragraph 174 (d) of the Framework seeks to minimise impacts on, and provide net gains for, biodiversity.
20. The appellant has not provided a protected species survey. Furthermore, I have not been provided with any distribution records of bats in the locality. However, whilst the appeal site is exposed, it is very close to woodland and surrounded by open farmland. The adjacent trees could provide habitat for bats or nesting birds. The building at plot 1 is relatively open which could limit its potential for bats, however that at plot 2 is more enclosed and could provide nesting opportunities for birds or roosting opportunities for bats. Both buildings have exterior fascia boards, which could present crevice roosting opportunities.
21. In the absence of any survey information or bat records, I cannot be certain as to the extent to which protected species may be affected by the proposed development. Furthermore, if protected species were affected, I cannot be certain as to what mitigation, if appropriate, may be required.
22. In this regard, paragraph 180 of the Framework states that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
23. For the above reasons, I cannot conclude that the proposal would not adversely affect protected species, specifically bats and nesting birds. The proposal would therefore conflict with paragraph 174 of the Framework described above and would fail to accord with the requirements of the GPDO in this regard.

Conclusion

24. For the reasons given above, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR

² Conservation of Habitats and Species Regulations (2017) & Wildlife and Countryside Act (1981).

³ Section 40 of the Natural Environment and Rural Communities Act 2000, as amended.