

# RIBBLE VALLEY BOROUGH COUNCIL

Development Department

Council Offices, Church Walk, Clitheroe, Lancashire, BB7 2RA

Telephone: 01200 425111

Town and Country Planning Act 1990



Ribble Valley  
Borough Council  
[www.ribblevalley.gov.uk](http://www.ribblevalley.gov.uk)

## **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**

**APPLICATION NO:** 3/2024/1043

**DECISION DATE:** 28 January 2025

**DATE RECEIVED:** 23/12/2024

### **APPLICANT:**

Miss Laura Howe  
Pewter House Farm  
Commons Lane  
Balderstone  
Blackburn  
BB2 7LN

### **AGENT:**

Josh Harling  
C49 Architecture Ltd  
1-2 Town Hall Buildings  
Elland  
HX5 9AJ

**PARTICULARS OF DEVELOPMENT:** Prior approval under Class Q (a) and (b) for the proposed change of use of three adjoining steel portal frame agricultural structures to five dwellings.

**AT:** Pewter House Farm, Commons Lane, Balderstone, BB2 7LN.

**Ribble Valley Borough Council** hereby give notice the prior approval of the authority is REFUSED for the carrying out of the above proposal for the following reason(s):

1. The building operations proposed as part of the development would go beyond what is "reasonably necessary" to change the use of the buildings and would include the construction of new structural elements for the buildings. The proposal therefore fails to satisfy Class Q.1 (i) and (ii) of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
2. The proposal would result in the creation of an overtly domestic development that would be largely incongruous with the agricultural character of the application site and rural vernacular of buildings within the immediate and surrounding area. The proposal therefore fails to satisfy Class Q.2 (f) of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as it conflicts with the National Planning Policy Framework (2024) in respect of design and external appearance.

*Nicola Hopkins*

**NICOLA HOPKINS**  
**DIRECTOR OF ECONOMIC DEVELOPMENT AND PLANNING**

**Note(s)**

- 1 For rights of appeal in respect of any condition(s)/or reason(s) attached to the consent see the attached notes.
- 2 This Decision Notice should be read in conjunction with the officer's report which is available to view on the website.

**Right of Appeal**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision to refuse planning permission, or approve with conditions, a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission, or approve with conditions, a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/appeal-planning-decision>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

**RIBBLE VALLEY BOROUGH COUNCIL  
PRIOR APPROVAL REFUSED**

**APPLICATION NO:** 3/2024/1043

**DECISION DATE:** 28 January 2025

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**Purchase Notices**

If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, they may serve on the Council of the county borough or county district in which the land is situated a purchase notice requiring that Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

**Report to be read in conjunction with the Decision Notice.**

Signed:	Officer:	BT	Date:	20/1/25	Manager:	LH	Date:	22/1/25
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<b>Application Ref:</b>	3/2024/1043			 <b>Ribble Valley Borough Council</b> <a href="http://www.ribblevalley.gov.uk">www.ribblevalley.gov.uk</a>
<b>Date Inspected:</b>	7/10/22	<b>Site Notice:</b>	17/1/25	
<b>Officer:</b>	BT			
<b>DELEGATED ITEM FILE REPORT:</b>			<b>Decision</b>	<b>REFUSAL</b>

<b>Development Description:</b>	Prior approval under Class Q (a) and (b) for the proposed change of use of three adjoining steel portal frame agricultural structures to five dwellings.
<b>Site Address/Location:</b>	Pewter House Farm, Commons Lane, Balderstone. BB2 7LN

<b>CONSULTATIONS:</b>	<b>Parish/Town Council</b>
<b>N/A</b>	

<b>CONSULTATIONS:</b>	<b>Highways/Water Authority/Other Bodies</b>
<b>LCC Highways:</b>	No objections raised.

<b>RVBC Environmental Health:</b>	No objections subject to conditions.
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<b>RVBC Countryside:</b>	No objections.
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<b>RVBC Engineers:</b>	Consulted 7/1/25 – no response received.
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<b>CONSULTATIONS:</b>	<b>Additional Representations.</b>
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Objections have been received from two households which are summarised as follows:

- Impact of the proposal upon highway safety

The representations received also include two letters of support for the proposal.

<b>RELEVANT POLICIES AND SITE PLANNING HISTORY:</b>
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- Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015.
- Article 10 allows for a transitional provision where applications made up to 20 May 2025 can be considered against the most recent legislation in place prior to the changes made on 20 May 2024. The application form confirms the PD rights in place prior to 21st May 2024 are to be used.

## Relevant Planning History:

**3/2024/0753:**

**3** Prior approval under Class Q (a) and (b) for the proposed change of use of three adjoining steel portal frame agricultural structures to five dwellings (Refused)

**3/2024/0266:**

**4** Change of use of three adjoining steel portal frame agricultural structures to five dwellings under Class Q (a) and (b) of the GPDO (Refused)

**3/2023/0725:**

**5** Change of use of three adjoining steel portal frame agricultural structures to five dwellings under Class Q (a) and (b) of the GPDO. Resubmission of applications 3/2022/0909 and 3/2022/1072 (Refused)

**3/2022/1072:**

**6** Change of use of three adjoining steel portal frame agricultural structures to five dwellings under Class Q (a) and (b) of the GPDO. Resubmission of application 3/2022/0909. (Refused)

**3/2022/0909:**

**7** Change of use of three adjoining steel portal frame agricultural structures to five dwellings under Class Q (a) and (b) of the GPDO. (Refused)

## ASSESSMENT OF PROPOSED DEVELOPMENT:

### Site Description and Surrounding Area:

**8** The application relates to a group of three agricultural buildings located on the North-eastern outskirts of Balderstone. The buildings in question are adjoined and sited within a farm yard. The buildings are adjoined by an additional barn, outbuilding and Pewter House Farm on their South-western end. The surrounding area comprises a pairing of holiday let cottage properties located approximately 30 metres to the North-west and additional residential and holiday let properties further away to the South-west. The application site is accessed via Carr Lane from Commons Lane. The surrounding area comprises a mixture of woodland, agricultural land and open countryside.

### Proposed Development for which consent is sought:

**9** This application relates to the conversion of three agricultural buildings to form five residential dwellings under the provisions of Schedule 2, Part 3, Class Q (a) and (b) of the Town and Country Planning (General Permitted Development) Order 2015. In the case of a change of use of agricultural buildings to dwellinghouses, the legislation requires the applicant to notify the Council of an intention to utilise permitted development rights through the process known as 'prior approval'.

### Observations/Consideration of Matters Raised/Conclusion:

**10** This application seeks prior approval under Class Q (a) and (b) of Schedule 2 Part 3. The subsequent parts of Class Q.1 have therefore been assessed as follows:

#### *Development is not permitted by Class Q if—*

*(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;

11 The application's supporting information states that the application buildings were solely in agricultural use on the 20th March 2013. There is no evidence to contradict or disbelieve this and the requirements are therefore satisfied.

(b) in the case of—

(i) a larger dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

(c) in the case of—

(i) a smaller dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

12 The application is for two larger dwellinghouses and three smaller dwellinghouses.

13 Larger dwellinghouses proposed to be developed under Class Q in order to be defined as such should have a floor space of more than 100 square metres but not exceed a cumulative floor space of 465 square metres. In addition, the cumulative number of separate larger dwellinghouses developed under Class Q cannot exceed 3.

14 Smaller dwellinghouses proposed to be developed under Class Q in order to be defined as such should have a floor space of no more than 100 square metres. In addition, the cumulative number of separate smaller dwellinghouses developed under Class Q cannot exceed 5.

15 The Order defines 'floor space' at paragraph 2 as 'the total floor space in a building or buildings'. The Local Planning Authority determines the floor space of a building to be the ground, first and any other internal floor space within the proposed dwelling including basement levels.

16 In this instance, the cumulative floor space of the proposed larger dwellinghouses, having a use within use class C3, would amount to 358 square metres. The cumulative number of separate larger dwellinghouses proposed would be 2, within the threshold limit.

17 The cumulative number of separate smaller dwellinghouses proposed would be 3, within the threshold limit. None of the proposed smaller dwellinghouses would have a floor space that would exceed 100 square metres.

18 Accordingly, the proposal would meet all above criteria and the above requirements are therefore satisfied.

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—

(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

19 The cumulative floor space of the proposed larger dwellinghouses would amount to 358 square metres, within the threshold limit. The cumulative number of separate dwellinghouses having a use falling within

20 Class C3 would be 5, within the threshold limit. The planning history for the established agricultural unit has been checked and on the date of writing the LPA had no record of any other Class Q applications on the agricultural unit.

- (e) *the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;*
- (f) *less than 1 year before the date development begins—*
- (i) *an agricultural tenancy over the site has been terminated, and*
- (ii) *the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;*

21 The application's supporting information states that the site is not occupied under an agricultural tenancy, nor has it been less than 1 year ago. There is no evidence to contradict or disbelieve this and the requirements are therefore satisfied.

- (g) *development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—*
- (i) *since 20th March 2013; or*
- (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;*

22 A planning history search has been undertaken for all of the land within the established agricultural unit and it is apparent that no applications under Part 6, Class A or B have been submitted to the LPA or approved by the LPA since the 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 any given point;*

23 The submitted plans show that the front and rear profiles of the buildings would be stepped back to accommodate front and rear patio areas however the external dimensions of the proposed dwellings would not extend beyond the external dimensions of the existing buildings.

- (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 for the building to function as a dwellinghouse; and*
- (ii) *partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);*

24 Planning Practice Guidance (Paragraph: 105 Reference ID: 13-105-20180615) advises:

25 "that building works are allowed under the right permitting agricultural buildings to change to residential use. The right (Class Q) permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right".

26 It is noted that paragraph 105 above was revised on 15 June 2018 resulting in the removal of the earlier assertion that it is not the intention of the permitted development right to include the construction of

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new structural elements of the building and the guidance no longer asserts that it is only where the existing building is structurally strong enough to take the loading which comes from the external works that the building would be considered to have the permitted development right.

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Paragraph 105 still states, however, that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use, so that it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right. This is derived from the basic principle that the PD right is for the conversion of the building to residential use, and not for its substantial reconstruction.

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The group of buildings to be converted comprise a steel portal frame design with longitudinal blockwork and timber infills at the ground floor level which demarcate some of the bays within the buildings. The elevations of the buildings consist of blockwork and corrugated panels with the roof space of the buildings comprising a timber purlin framework layered with corrugated fibre cement panels. The existing buildings are open sided on their front North-western elevation with the front elevation of the adjoined buildings spanning approximately 50 metres in width.

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In this instance, and as with the five previously refused schemes of proposed residential conversion, the proposed works would involve the infilling of the predominantly open front North-western profile of the buildings with new recessed walls consisting of horizontally aligned sections of timber cladding. The remainder of the North-western elevation would be infilled with numerous door and window openings, some of which would be covered with vertical timber strips. The rear South-eastern profile of the buildings would also be subject to significant alterations including the installation of new sizeable glazed openings and new sections of vertical timber cladding. There would also be a requirement to infill the entire lower section of the building's North-eastern side elevation (currently open sided) in order to form proposed unit 5. As such, significant external works would be required to bring the buildings into habitable use, with these works resulting in a significant transformation to the external profiles of the existing buildings.

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A structural survey has been provided in support of the current application (it is noted that this is the same structural survey that was provided for previous application 3/2024/0753) which shows that ground excavation has been undertaken within the confines of the application buildings, with these works showing the presence of concrete pad foundations in good condition, with column pads founded on firm ground and with no evidence of movement within the frame of the application buildings. As such, these works suggest that the application buildings comprise reasonable structural integrity. The submitted structural survey makes reference to the building's timber and corrugated cladding as being in reasonable to good condition, with the roof of the buildings also being described as being in good condition. On this basis, the structural survey asserts that there is no reason why the majority of the external elements of the application building could not be retained for use in the proposed development. In addition, the application's proposed elevation drawings provide a similar assertion through indicating that the existing roof of the building would be repaired, with the building's existing sections of cladding also being retained and repaired where required.

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Notwithstanding the above assertions, and as previously conveyed in the assessment of the previous proposals submitted for the buildings, the majority of the building's elevational sections of cladding appear to be largely worn in appearance, with the condition of the cement roof sheeting within the buildings appearing equally worn, as evidenced in case officer site visit photos and additional photographs within survey work submitted for the current application and previous applications. Consequently, it is highly likely that works beyond mere retention and repair of the building's existing cladding and roof sheets would be required to achieve an acceptable habitable standard in this instance.

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Accordingly, given the scale of the works proposed and additional rebuilding work that would likely be required, it is considered that the resultant dwellings would be tantamount to the construction of new buildings, rather than operations reasonably necessary for the buildings to function as residential units.

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Consequently, it is considered that the extent of building works proposed would go significantly beyond what is 'reasonably necessary' to change the use of the buildings in question.

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Moreover, and as previously conveyed as part of the assessment for previous applications 3/2024/0266 and 3/2024/0753, the Council has had a recent appeal decision in the Borough, APP/T2350/W/23/3319125 in relation to the proposed change of use of an agricultural building to a dwelling house under Class Q (a) and (b) at Oaklea, Longsight Road, Copster Green. In light of this appeal decision (which is comparable to other appeal schemes elsewhere, Appeal Ref: APP/M2325/W/20/3252774, APP/R3325/W/19/3242490, APP/Q3305/W/20/3244348 and APP/X1118/W/20/3260797), the Council contends that the works proposed to facilitate the proposed development would in this instance fall within the realm of substantial construction that would exceed works of conversion.

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The application's planning statement makes specific reference to appeal decision APP/T2350/W/23/3319125 with an assertion that the Council's previous reference to this appeal is of little relevance to the works proposed under the current application on the basis that the works proposed under the referenced appeal went significantly beyond those being proposed under the current application. It is further stated that the condition of the buildings subject to this application are markedly different to the condition of the buildings subject to the referenced appeal decision. Notwithstanding this assertion, and as previously conveyed, the application building comprises numerous open sided elevations which in turn would require the introduction of numerous new build elements in order to accommodate the proposed residential use of the buildings. Furthermore, the building's existing cladding and roofing sheets comprise a largely worn appearance which in turn would likely make them unsuitable for re-use in the proposed development. Similar issues were identified in relation to previously refused application ref: 3/2022/1105 (the subject of the above referenced appeal decision) therefore the Council maintains its stance that the works proposed under the current application are comparable to the refused development at Oakleigh in Copster Green and the additional schemes referenced.

*(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*

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The agricultural buildings in question are located within an area of open countryside and are not included within any of the above designations.

*(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;*

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The application site and buildings in question do not form part of any of the above.

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

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The application site does not contain a scheduled monument.

*(m) the building is a listed building.*

- 40 The agricultural buildings and their curtilage do not contain a listed building.
- To satisfy the requirements of Class Q (a) and (b) the Local Planning Authority's must consider whether approval is required in respect of the following conditions listed in Schedule 2 Part 3 Q2.
- (a) transport and highways impacts of the development*
- 41 Highway safety concerns have previously been raised with respect to similar schemes at the application site (namely previous applications 3/2024/0266, 3/2023/0725, 3/2022/1072 and 3/2022/0909) in relation to achievable visibility splays at the junction of Commons Lane and Carr Lane, the width of Carr Lane and the absence of passing places along Carr Lane.
- Notwithstanding this, the response from the LHA states that land registry records have since been submitted to demonstrate that the verge along Commons Lane is unregistered and as such is likely a highway verge. The response from the LHA states that the hedges along the boundary of Commons Lane adjacent to the Carr Lane junction are maintained during the summer months to ensure that the required splays are maintained and on this basis have raised no highway safety concerns with respect to visibility at the site's access between Commons Lane and Carr Lane. Having visited the proposal site, the LHA have also retracted their previous concerns with respect to the width of Carr Lane (where this meets Commons Lane) on the basis of inaccuracies with OS mapping which were previously relied upon.
- 42 In their response to previous application 3/2024/0753, the LHA had initially retracted their previous concerns with respect to the absence of passing places along Carr Lane on the basis that an additional passing place was to be provided approximately 75 metres to the East of the Commons Lane junction, with the LHA initially recommending for the imposition of a condition to secure implementation of the proposed passing place prior to occupation of the proposed development.
- 43 Notwithstanding the above, it was previously conveyed that the proposed passing place would have been located outside of the confines of the application site approximately 400 metres away to the West of Pewter House Farm on Carr Lane which is not solely within the ownership or control of the applicant which in turn raised doubt on the enforceability of a planning condition requiring installation of the proposed passing place. Furthermore, Class Q of the GPDO is quite specific in the permitted development rights that it provides in as much that the legislation allows for the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses). In addition, it allows for building operations reasonably necessary to convert the building subject to conversion. The legislation does not allow for additional works beyond the scope of the application building or land within its curtilage in order to mitigate the impact of the development (this is confirmed within recent appeal decisions Ref: APP/D0121/W/19/3240553 and APP/L3245/X/20/3256290).
- 44 Accordingly, it was conveyed to the LHA that the suggested mitigation could not have been satisfactorily or reasonably secured through the prior approval process and in light of this the LHA subsequently confirmed that their previous objections would be maintained on account of there being no mechanism to secure provision of the proposed passing place by way of condition.
- 45 Notwithstanding the above, it is now understood that the aforementioned passing place previously proposed approximately 75 metres to the East of the Commons Lane junction has since been installed, along with the reinstatement of a historic passing place to the North of No. 1 and No. 2 Carr Lane Cottage. In light of this, the LHA have raised no further objections to the proposed development on the grounds of highway safety on the basis of the two passing places now being in place and operational.
- 46 As such, prior approval is therefore required and approved in respect of this matter.
- (b) noise impacts of the development*

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In relation to this particular consideration, it is considered that the use of the buildings in question would not result in significant detrimental impact on neighbouring dwellings over and above that caused by an agricultural use. Therefore prior approval is not required in respect of this matter.

***(c) contamination risks on the site***

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The application's supporting information states that there are no known contamination risks on site with no ground excavation anticipated as part of the proposed works. Notwithstanding this, it remains unclear as to whether contaminants are present within or around the proposal site therefore further investigation of the site would be required. Prior approval is required and approved on this matter subject to a condition securing appropriate site investigation and remediation (if required).

***(d) flooding risks on the site***

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With regards to the matter of flooding, the Environment Agency flood map shows the application site to be located within Flood Zone 1 and there are no known local flooding issues. Prior approval is required and approved on this matter subject to a condition securing an appropriate drainage strategy.

***(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.***

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The buildings to be converted are located within a small cluster of existing residential dwellings and holiday let cottages sited at the Eastern end of Carr Lane. The separation distances between the application buildings and the nearest neighbouring properties of Pewter House Farm, Beacon Cottage and Bowford Cottage would be sufficient enough to allow adequate levels of privacy to be maintained between the existing and proposed dwellings. As such, the proposed dwellings would share an acceptable relationship with the existing dwellings in the area with respect to residential amenity. No information has been provided with respect to foul or surface water disposal however Pewter House Farm and the aforementioned neighbouring dwellings and holiday let cottages on Carr Lane are served by existing utilities (water / electricity) therefore it is not anticipated that conversion of the buildings to dwellings would warrant any unnecessary expenditure by public authorities or utilities on the provision of additional infrastructure. Therefore prior approval is required and is acceptable on this matter.

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

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

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

**Design and external appearance**

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On farm buildings, windows and doors are commonly small and insignificant. Farm buildings are operational structures with a functional simplicity which is an essential part of their character. In order to protect the character and setting of the surrounding countryside any additional openings should be kept to a minimum to avoid a clearly domestic appearance.

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In addition, Historic England guidance states:

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*'New features added to a building are less likely to have an impact on the significance if they follow the character of the building. Thus in a barn conversion new doors and windows are more likely to be acceptable if they are agricultural rather than domestic in character'.*

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In this instance, the proposed development would involve the installation of numerous door and window openings to both the front and rear elevations of the buildings and these would be detailed in a

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modern black aluminium finish that would be at odds with the rural character of the area. Furthermore, the fenestration proposed would be largely underpinned by a vertical emphasis that would still have little to no reference to the randomised sequence of openings typically seen within agricultural buildings. The fenestration proposed for the rear South-eastern elevations of the buildings would involve some partial utilisation of the building's existing openings however as previously conveyed, the large majority of the building's elevations are predominantly open sided (as opposed to a smaller and randomised sequence of openings that could be sympathetically and practically utilised) therefore any attempt to utilise these existing openings would require both the introduction of numerous new features including the formation of sizeable glazed openings (as is proposed under the current application) and it is not considered that this would amount to a visually sympathetic form of development. As such, the resultant dwellings, by virtue of their materiality and fenestration, would appear overtly domestic in appearance which in turn would be predominantly at odds with the agricultural character of the application site and rural vernacular of dwellings within the immediate and surrounding area.

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The supporting letter provided for the current application makes reference to development approved under application 3/2024/0046 as a means of justifying the design and external appearance of the dwellings proposed under this application. For reference, application 3/2024/0046 comprised a Section 73 Variation of Condition application which sought consent for amendments to a Class Q development previously approved under application 3/2021/0954. As such, application 3/2024/0046 required a comparative assessment to be made as to whether or not the amendments being proposed with regards to design and external appearance would amount to a minor material amendment, relative to the works approved under application 3/2021/0954. It was subsequently determined that the changes proposed under application 3/2024/0046 would amount to a minor material amendment to the development originally approved and the proposed minor material amendment was therefore ultimately approved.

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As conveyed above, the applicant has referenced application 3/2024/0046 as a means of justifying the design and external appearance of the dwellings proposed under this application however this line of reasoning is problematic on several counts. Firstly, unlike the development proposed under the current application (and the five previous applications at the site), the principle of development under Class Q had already been established through application 3/2021/0954 and remained extant at the time of application 3/2024/0046 being submitted. Second, it is important to note that the development under application 3/2021/0954 was approved prior to the relevant appeal decision referenced earlier in this report (planning appeal ref: APP/T2350/W/23/3319125). Furthermore, and unlike the current (and previous) proposals for Petwer House Farm, application 3/2024/0046 only required a comparative assessment to be made as to whether or not the amendments being proposed with regards to design and external appearance would amount to a minor material amendment relative to the development originally approved. For these reasons, the referenced application and the particulars pertaining to its assessment are therefore not considered to be comparable to the development subject to this application. Accordingly, prior approval is required and refused on this matter.

#### Provision of natural light

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The proposed plans submitted indicate that both the front and rear elevations of the buildings would comprise numerous door and window openings therefore it is anticipated that the proposed dwellings would receive adequate levels of natural light. Therefore prior approval is required and is acceptable on this matter.

#### **Other matters:**

##### Curtilage

*As set out in paragraph X of Part 3, "curtilage" means, for the purposes of Class Q, R or S only—  
(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or*

*(b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser;"*

60

The proposed site plan submitted with the application indicates that each of the proposed residential units would comprise their own rear domestic curtilage area. The cumulative area of land comprised by the proposed individual curtilage areas would total 191.1 square metres which would be less than the cumulative ground floor area covered by the buildings to be converted to residential use. The proposed development is therefore considered to be acceptable in relation to this particular consideration.

#### Ecology

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The application's updated ecological survey (undertaken on 12/11/24) states that no presence of any bat or bird related activity was evident within or around the buildings to be converted to residential use with the buildings in question considered to be of negligible potential for roosting bats. The proposed development is therefore considered to be acceptable in relation to this particular consideration.

#### **Conclusion:**

62

The scale of works proposed would go significantly beyond conversion and beyond what it is considered to be 'reasonably necessary' to change the use of the buildings in question. In addition, the proposed dwellings would be overtly domestic in appearance and largely incongruous with the agricultural character of the application site.

63

Taking account of all of the above, it is considered that the proposal does not satisfy 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 such, it is recommended that prior approval is refused.

<b>RECOMMENDATION:</b>	Refuse Prior Approval.
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**From:** Adam Hirst <adamhirst@fusioncse.com>  
**Sent:** 04 March 2025 10:26  
**To:** Gemma Kennedy  
**Subject:** Pewter House Farm, Balderston (ref 3/2024/1043)

Dear Gemma

With reference to this application and to my previous report (22111-CS-02 Issue 2), I have read the officer's report dated 20/01/2025 and have the following comment.

The officer's report states, 'the building's existing cladding and roofing sheets comprise a largely worn appearance which in turn would likely make them unsuitable for re-use in the proposed development'.

In my opinion, this statement is not correct. A worn appearance does not constitute structural failure and as noted in my report, I am of the opinion that the existing wall and roof cladding generally maintains its structural integrity and that the majority of the wall and roof coverings can be retained, with localised repairs and new cladding where necessary.

Kind regards

Adam Hirst BEng(Hons) CEng MICE MIMMM  
Director  
Fusion CSE Ltd.



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## Appeal Decision

Site visit made on 1 May 2018

by **G J Fort BA PGDip LLM MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 May 2018

**Appeal Ref: APP/C2708/W/18/3195602**

**Lane End Farm, Cam Lane, Thornton-in-Craven, Skipton BD23 3SX**

- 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 (as amended).
- The appeal is made by Mr and Mrs Adamson against the decision of Craven District Council.
- The application Ref 2017/18464/PNCOU, dated 25 August 2017, was refused by notice dated 19 October 2017.
- The development proposed is change of use of an agricultural building to a dwelling.

### Decision

1. The appeal is allowed and approval is granted under the provisions of 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 a dwelling at Lane End Farm, Cam Lane, Thornton-in-Craven, Skipton BD23 3SX in accordance with the terms of the application Ref 2017/18464/PNCOU, dated 25 August 2017, and the plans submitted with it, subject to the conditions in the schedule to this decision below.

### Procedural Matter

2. With their appeal documents the appellants submitted an annotated Structural Concept Plan<sup>1</sup>. I note minor differences in the fenestration pattern on the Structural Concept Plan to the one depicted on the plans submitted with the application for prior approval. However, it is clear that the Structural Concept Plan has been produced to demonstrate the existing structure of the building and how this could relate to the works proposed. Consequently, I consider that the intention of the Structural Concept Plan is clearly not to make amendments to the proposal as presented at prior approval stage. I have taken the contents of the plan into account on this basis, and consider that no prejudice would occur to any parties as a result of me doing so. In arriving at this view, I am cognisant that the Council has made comments on the Structural Concept Plan within its appeal statement.

### Background and Main Issue

3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits the change of use of agricultural

<sup>1</sup> Structural Concept- P2364/SK01

buildings to dwellinghouses<sup>2</sup>, together with building operations reasonably necessary to convert the building<sup>3</sup>. Building operations other than the installation or replacement of windows, doors, roofs or exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse are not permitted<sup>4</sup>.

4. As the Council found no conflict with the other criteria set out in paragraph Q 1, the main issue in this case is whether the appeal scheme is permitted development by reference to whether the extent of the proposed building operations would be reasonably necessary for the building to function as a dwellinghouse.

## Reasons

5. The appeal building is a rectangular structure with a mono-pitch roof covered in corrugated metal. Three of its sides are faced in blockwork at the lower level with open timber boarding above that. The elevation which faces the yard to its front is open. Four regularly spaced steel portal frames create a building of three structural bays. Steel roof bracing is present in one bay of the building. The floor is concrete slab.
6. The appeal scheme would introduce external walling at the front of the building including extensive glazed doors in each of the bays. Additional timber boarding would be fitted on the other three elevations. Internal walling would be installed to provide insulation between the existing exterior timber boarding, and this like other internal walls mooted by the scheme would be non-load bearing and self-supporting. Insulated metal sheeting would replace the existing roof covering. No additional floors would be introduced within the single-storey structure.
7. My attention has been drawn to the Government's Planning Practice Guidance (PPG) which, amongst other things, gives advice in relation to GPDQ Class Q<sup>5</sup>. The PPG emphasises that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the building to function as a dwellinghouse. It is only where the existing building is already suitable for conversion for residential use that the building would be considered to have the permitted development right.
8. Evidence submitted<sup>6</sup> by the appellants establishes that the appeal building is in good structural order and I saw nothing at my visit to lead me to different conclusions in this respect. Moreover, the submitted material attests to the structural capability of the appeal building to accommodate a residential conversion, with the Structural Concept Plan and related documentation demonstrating that the existing steel members of the building could accommodate the loading caused by the additional external walling and windows- which would include the use of a curtain walling system for the front elevation. Internal elements would be self-supporting on the concrete slab. I

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<sup>2</sup> Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2(3) (Class Q) para. Q (a)

<sup>3</sup> Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2(3) (Class Q) para. Q (b)

<sup>4</sup> Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2(3) (Class Q) para. Q 1 (i)

<sup>5</sup> At Paragraph: 105 Reference ID: 13-105-20180222 Revision date: 22 02 2018

<sup>6</sup> Structural Inspection Report produced by Avie Consulting Limited dated August 2017; Letter from Graham Helme, Avie Consulting Ltd dated 24 January 2018

note that the Council consider that the material submitted by the appellants does not establish that the building would be capable of taking the additional loads- nevertheless I have been supplied with no substantive evidence that would challenge the conclusions of the appellants' structural evidence. Consequently, I consider that the appeal building would be structurally capable of conversion for residential use.

9. The nature of the external alterations proposed would conform to the types of building operations outlined in paragraph Q1(i) of Schedule 2 (3) of the GPDO. I readily accept that the mooted building operations would be of some extent, nevertheless given that the entirety of the appeal building's original structure and a great deal of its existing fabric would be retained, I consider that these interventions would not amount to a re-building of the structure, but would be more in the character of conversion to facilitate a residential use. Moreover, the PPG emphasises that internal works are not generally development and that amongst other things internal walls are not prohibited by Class Q. Consequently, whilst the proposed development would include self-supporting, insulated and airtight internal walls, I consider that neither the extent nor nature of these internal works would fall outside of the building operations permitted by the GPDO.
10. Consequently, taking these considerations together leads me to the view that it has not been demonstrated that the works go beyond what is reasonably necessary for the building to function as a dwellinghouse. I therefore conclude that the appeal scheme would be permitted development for the purposes of Class Q.

### **Other Matters**

11. I acknowledge the Council's statement that it does not agree that the appeal scheme would meet the prior approval conditions relating to Class Q<sup>7</sup>, which are the transport and highways 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.
12. Whilst I have been supplied with no commentary from the Council relating to these matters, I am nevertheless cognisant of these conditions in my assessment of the merits of the appeal. Moreover, the GPDO<sup>8</sup> establishes that in determining prior approval applications decision-takers should 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. In terms of the transport and highways impacts of the proposed development I saw that access to the appeal site would be feasible, and I am mindful that an extant planning permission for residential development on an immediately adjacent plot within the control of the appellants is subject to conditions relating to the provision of the access. Moreover, the access would be via Cam Lane which serves several residential and other properties, and on which the limited additional residential development that the appeal scheme would bring

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<sup>7</sup> Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2(3) (Class Q) para. Q 2(1)

<sup>8</sup> Schedule (2)(3) para. W (10)

about would not lead to a material increase in traffic. For these reasons, taken together with appropriately-worded conditions securing access improvements in line with adopted local standards, I consider that a safe and suitable access could be provided at the site and that the proposed development would not cause severe residual impacts to the transport network. The proposed development would thus not conflict with the Framework in this regard.

14. The appeal building borders onto grazing land. However, I consider that the sound of livestock or other associated agricultural activity emanating from the grazing land would not be of a volume or duration sufficient to cause undue disturbance to the proposed development's future occupants. In arriving at this view I am conscious that the appeal building is located in an area with a mix of residential and agricultural uses, and that a relationship of land uses such as these in a rural area is far from unusual.
15. The Council have supplied the suggested wording of a condition addressing contaminated land matters and attachment of this would ensure that the proposed development makes adequate arrangements in these regards.
16. I note that the appeal site is outside of Flood Zones 2 and 3. I therefore find no evidence to suggest that the proposed development would be at risk of flooding or would increase the risk of flooding elsewhere.
17. The appeal building is sited close to Cam Lane, within an area with a number of dwellings already present and is not far from the more consolidated core of the Thornton-in-Craven settlement. Consequently, I consider that the location or siting of the appeal site render it neither impractical nor undesirable for the use of the building to be changed. In arriving at this view I am mindful of the extant planning permission<sup>9</sup> relating to the adjacent agricultural building and parcel of land for redevelopment to provide a 3 bedroom dwelling, which if implemented would impart a considerably more domestic character to the wider site.
18. The design and external appearance of the building would remain largely unchanged from its present functional and agricultural character, albeit with the introduction of glazing to the front and rear. Consequently, I find that no harm would be caused to the design or external appearance of the appeal building, and that it would not harm the character or appearance of its surroundings.
19. As this appeal relates to permitted development subject to a prior approval procedure, the terms of which are clearly set out within the GPDO, I consider that the proposed development would not create a precedent either for residential development in the area that would not meet the GPDO conditions, or for proposals which require planning permission that would cause harmful effects.

## **Conditions**

20. Standard conditions are attached to this type of development by the GPDO including that development must be completed within a period of 3 years

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<sup>9</sup> Council reference 69/2016/17106

starting with the prior approval date<sup>10</sup>, and in accordance with the approved details<sup>11</sup>.

21. The GPDO<sup>12</sup> also establishes, in relation to Class Q permitted development rights, that conditions reasonably related to the subject matter of the prior approval can be imposed. Paragraph 206 of the Framework states that conditions can only be attached where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the Council's suggested conditions on this basis and made amendments where necessary to conditions I have attached in the interests of clarity.
22. In the interests of the health and safety of site operatives, the existing and future occupants of nearby properties and the proposed development, and the environmental quality of the area, I have attached a condition relating to remediation of any contamination encountered during the course of development. This is reasonably related to the subject matter of the prior approval as land contamination forms one of the prior approval assessment conditions provided by the GPDO.
23. In order that the proposed development makes adequate arrangements for access and parking, and to render its transport effects acceptable I have attached conditions relating to the provision of these elements. I note that the extant planning permission relating to the adjacent building contains similar conditions, and that the development subject to this appeal, and that extant scheme would share an access. Nevertheless, I consider it necessary to attach these conditions in this instance as the appeal development may come forward before the extant permission, and in that case suitable provision for access would need to be provided. I have made amendments to the condition related to approval and implementation of access to require pre-commencement compliance with some of its requirements in the interests of precision.

## **Conclusion**

24. For the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should succeed.

*G J Fort*

INSPECTOR

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<sup>10</sup> Schedule 2 (3) (Class Q) para. Q 2(3)

<sup>11</sup> Schedule (2) (3) para. W (12) (a)

<sup>12</sup> Schedule (2)(3) para. W (13)

### **Schedule of Conditions**

- 1) Should any land contamination be encountered at the site during development, the local planning authority shall be notified in writing immediately. A Remediation Strategy, produced in accordance with the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent Model Procedures if replaced) shall be submitted to, and approved in writing by, the local planning authority. The remediation measures shall be implemented in accordance with the approved Remediation Strategy and a Validation Report shall be submitted within agreed timescales to, and approved in writing by, the local planning authority. The development shall not be brought into use until such time as all the validation data has been approved in writing by the local planning authority.
- 2) No development shall take place until details of the access to the site, taking into account North Yorkshire County Council's *Specification for Housing and Industrial Estate Roads and Private Street Works*, shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the development, and retained thereafter.
- 3) Except for the purposes of constructing initial site access, there shall be no access or egress by any vehicles between the highway and the site until splays are provided giving clear visibility of 35 metres measured along both channel lines of Cam Lane from a point measured 2 metres down the centre line of the access road. The splays shall be based on an eye height of 1.05 metres and an object height of 1.05 metres. These visibility areas shall be maintained clear of any obstruction and retained thereafter.
- 4) The dwelling subject to this prior approval shall not be occupied until space has been laid out within the site in accordance with drawing no. P1839/004 for cars to be parked and for vehicles to turn and that space shall thereafter be kept available at all times for those purposes.



## Appeal Decision

Site visit made on 15 January 2019

**by I Bowen BA(Hons) BTP(Dist) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7 February 2019**

**Appeal Ref: APP/R3325/W/18/3207255**

**Knowle Green Farm, Knowle St Giles, Chard, Somerset TA20 4AY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Part 3, Class Q of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr & Mrs A Turner against the decision of South Somerset District Council.
- The application Ref 18/01177/PAMB, dated 22 March 2018, was refused by notice dated 18 May 2018.
- The development proposed is change of use of existing agricultural building to 2 No. dwellings.

### **Decision**

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q.(a) and Q.(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for change of use of existing agricultural building to 2 No. dwellings at land at Knowle Green Farm, Knowle St Giles, Chard, Somerset TA20 4AY in accordance with the terms of the application Ref 18/01177/PAMB, dated 18 May 2018, subject to the conditions in the attached Schedule.

### **Procedural Matter**

2. For brevity, I have adopted the description of the development that appears in the Local Planning Authority's (LPA) decision notice and the appeal form, rather than that on the notification form.

### **Background and Main Issue**

3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) grants permission for certain types of development provided certain criteria are met. Under Schedule 2, Part 3, Class Q, provision is made for (a) the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or (b) development referred to in (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 dwellinghouses of that Schedule.
4. In this case, both change of use and building operations to convert the building are proposed. The LPA considers that the proposed operational works are

beyond the scope of those which could reasonably be considered necessary to enable the building to function as a dwelling and this is reflected in its reason for refusal.

5. The LPA does not dispute that the proposal is acceptable, subject to conditions, in respect of the other matters required to be satisfied by Class Q in paragraphs Q.1. (a) to (h) and (j) to (m) and the conditions set out in paragraph Q.2. I have determined this appeal on that basis and therefore focus my decision on matters relating to Q.1 (i).
6. Accordingly, the main issue is whether the scheme would be permitted development under Schedule 2, Part 3, Class Q of the GPDO with regard to whether or not the proposed development would comprise building operations reasonably necessary for the building to function as a dwellinghouse.

### **Reasons**

7. Development is not permitted under Class Q.1(i) if it would consist of building operations other than (i) the installation or replacement of (aa) windows, doors, roofs, or exterior walls or (bb) water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).
8. The Planning Practice Guidance (the PPG) also provides advice on the extent of building works which may be carried out in accordance with the permitted development right under this Part. In this regard, it makes clear that the right assumes that the agricultural building is capable of functioning as a dwelling.
9. The parties have drawn my attention to the Hibbitt<sup>1</sup> judgement which established that the building must be capable of conversion to residential use without operations that would amount either to complete or substantial re-building of the pre-existing structure or, in effect, the creation of a new building. It was further held that the distinction between a conversion and a rebuild is a matter of legitimate planning judgement.
10. The appeal building is a large agricultural barn with an external footprint of approximately 313sq.m. At the time of my site visit, it was being used for the storage of hay bales and agricultural machinery and vehicles. It would be converted into 2 separate single storey dwellings.
11. The LPA's refusal reason is based, in part, on the view that the building has inadequate structural integrity to be capable of supporting a change of use to 2 dwellings. However, whilst evidence relating to the structure of the building had been provided during the course of the application, further confirmatory evidence in the forms of photographs and a statement from qualified building surveyors was submitted alongside the appeal. In response, the LPA now appears to accept that the building may be structurally sound.
12. I saw on site that some foundations which support upright steel stanchions forming the framework of the building had been exposed in order to demonstrate their size and depth. The submitted evidence indicates these are isolated pad foundations with concrete strip footings supporting infill sections. I

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<sup>1</sup> *Hibbitt and another v Secretary of State for Communities and Local Government and another [2016] EWHC 2853 (Admin)*

also saw that the concrete block walls of the building are supported by substantial concrete buttresses which would be retained. From what I observed, I see no reason to disagree with the submitted evidence and am therefore satisfied that the building is structurally sound and capable of conversion to residential accommodation without reinforcements being needed to its existing structure.

13. However, having regard to the Hibbitt judgement, the structural stability of the building is not the only consideration in assessing whether proposed works are reasonably necessary for conversion to residential use and this is a matter also referred to in the LPA's reason for refusal.
14. The barn is constructed of a 5 bay steel portal frame. It is entirely open to the southern elevation but largely comprises concrete block walls to a height of approximately 2m on the remaining 3 sides, above which is corrugated metal sheeting. A section of wall is absent in the north eastern corner of the building and this has been partially filled with railway sleepers. The roof is dual-pitched, supported by wooden joists laid over a steel portal frame, to which the joists are attached. The roof is covered with corrugated asbestos cement sheeting. The floor is a concrete slab although its full extent was not visible at the time of my site visit or to the appellant's building surveyors.
15. The plans indicate that all of the structural steelwork would be retained, together with the roof structure which would be re-covered with zinc tray material. The concrete block walls would be retained with the exception of the insertion of window and door openings and internally insulated using existing cladding rails. External cladding would be installed using horizontal timber.
16. Whilst the extent of the above works is fairly extensive, I am nonetheless mindful that they are matters which expressly fall within the scope of works permitted under paragraph Q.1.(i). I appreciate that the Hibbitt judgement related to an appeal case that also involved a structurally sound building and that Inspector concluded that the extent of works went beyond what was reasonably necessary. However, on the basis of the High Court and appeal decisions, the barn in that case would appear to have required more substantial building works, including the construction of all four exterior walls.
17. Given the structural integrity of the building in the current appeal and the degree to which it would be retained in the development, I find in this case that the extent of the building operations would not go beyond what would be reasonably necessary for the conversion of the building to residential use. Accordingly, I find the proposed development is permitted by Class Q.

## **Conditions**

18. The GDPO makes clear that any permission granted for development under Article 3(1) and Schedule 2, Part 3, Class Q is subject to the condition set out in paragraph Q.2.(3) which specify that the development shall be completed within a period of 3 years starting with the prior approval date. In the interest of certainty, I also attach a condition specifying the approved plans.
19. The LPA has also requested a number of conditions relating to hard and soft landscaping, highways safety, parking and surface water disposal.

20. However, conditions relating to landscaping would not fall within the scope of subject matters over which prior approval may be required as set out in Q.2.(1)(a)-(f) and it would therefore be unreasonable to impose them.
21. I have considered the remaining suggested conditions against Paragraph 55 of the revised National Planning Policy Framework and the PPG and, accordingly, have amended and/or omitted conditions as follows.
22. In relation to highways, the main parties have both commented that the proposed access junction and track already benefit from planning permission in connection with a building adjoining the appeal site. Notwithstanding this, the plans before me relating to the current appeal include the access track and junction within the red line. However, the LPA has suggested a condition requiring visibility splays to be provided and maintained in accordance with a plan which seemingly formed part of an earlier application, and which does not form part of this appeal. Nevertheless, having regard to the fact that the appeal site would be accessed off a narrow rural lane which, it can be expected, carries little and slow moving traffic, I consider it would be sufficient for visibility splays of 43.8m to the south west and 64.3m to the north east to be provided in compliance with those shown on plan no. SS.373.CQ.01/Rev1. In the interests of highway safety, I therefore impose an amended version of the condition suggested by the LPA referring to the latter plan. Similarly, a condition is necessary in the interests of highway safety to ensure any entrance gates to be installed should be set back a minimum of 5m from the highway and be hung so as to swing inwards only.
23. Given the proposed access and driveway is shown within the red line, I also consider it necessary in the interests of certainty to impose a condition restricting the area to be used as residential curtilage to that shown shaded in green on plan no. SS.373.CQ.01/Rev1. This would ensure that the scheme would comply with permitted development requirements in providing curtilage land which should be no larger than the land area occupied by the agricultural building.
24. The LPA also requested a condition controlling the laying out of parking spaces and turning areas. However as the building is located some distance away from the highway, I have no evidence before me to show why such a condition would be necessary. I have therefore omitted such a condition.
25. It is not in dispute that the site lies in Flood Zone 1 and I have been provided with no information as to why a condition to control surface water flooding would be necessary. I therefore omit such a condition.

## **Conclusions**

26. For the reasons given, the appeal should be allowed and prior approval granted, subject to necessary conditions.

*Ian Bowen*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall be carried out in accordance with the approved plan: SS.373.CQ.01/Rev1, 2348.04, 2348/05A, 2348/06.
- 2) Prior to first occupation of the development hereby permitted, the visibility splays shown on drawing number SS.373.CQ.01/Rev1 shall be provided and shall thereafter be maintained at all times. There shall be no obstruction to visibility greater than 0.6m above adjoining road level within the visibility at any time.
- 3) Any entrance gates erected shall be hung to open inwards only, shall be set back a minimum distance of 5 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.
- 4) The residential curtilage to be created for the dwellings hereby permitted shall be restricted at all times to the areas shaded green on approved plan no. SS.373.CQ.01/Rev1.



## Appeal Decision

Site visit made on 25 November 2024

**by T Bennett BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8<sup>th</sup> January 2025**

**Appeal Ref: APP/P1045/W/24/3342866**

**Stoneleigh Farm, Derby Lane, Cubley, Derbyshire DE6 2EY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Mr Clive Vernon c/o Meadowhay Promotions against the decision of Derbyshire Dales District Council.
- The application Ref is 24/00021/PDA.
- The development proposed is for conversion of agricultural building to 3no. smaller dwellinghouses (use class 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 conversion of agricultural building to 3no. smaller dwellinghouses (use class C3) and associated building operations at Stoneleigh Farm, Derby Lane, Cubley, Derbyshire DE6 2EY in accordance with the application, Ref 24/00021/PDA made on 5 January 2024, and the details submitted with it including plan no's 2311-CQ105-P01 (Building 2), 2311-CQ105-P03, 2311-CQ105-P04 and 2311-CQ105-P05, pursuant to Article 3(1) and Schedule 2, Part 3, Class Q, paragraph Q.2(3) and subject to the conditions set out in the attached schedule.

### **Applications for costs**

2. An application for costs was made by Mr Clive Vernon against Derbyshire Dales District Council. This application is the subject of a separate Decision.

### **Preliminary Matters**

3. Since there was no description of development on the application form, I have taken the one from the appeal form which has also been used on the Decision Notice.
4. The appeal proposal is described as the conversion of an agricultural building to 3no. smaller dwellinghouses, this is also referenced on the decision notice. Nevertheless, the appeal statement refers to the conversion of two agricultural buildings, one of which has had approval granted previously for 2no larger dwellinghouses (Ref: 22/00931/PDA). I have sought clarification from the appellant on this matter, they have confirmed the appeal is to focus solely on the agricultural building proposed to be converted into 3no smaller dwellinghouses. I have proceeded to determine the appeal on this basis.

5. On 21 May 2024, Statutory Instrument 2024 No 579 (SI) came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the General Permitted Development Order (the GPDO). I am however required to determine this appeal in accordance with the GPDO provisions that were in force at the time that the original application was submitted in January 2024. All references to the GPDO in this decision therefore relate to the version that was in force at that time.
6. The application was made 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. This permits development consisting of: (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and (b) building operations reasonably necessary to convert the building referred to in paragraph Q(a). Details have been provided pursuant to Class Q(a) and Class Q(b).
7. The Council considered that the proposal did not accord with the curtilage size requirements set out in Paragraph X of the GPDO. In the Council's statement of case, they have confirmed that this reason for refusal has fallen away due to a calculation error. From the submitted information, I am satisfied that the proposal accords with the curtilage requirements set out in Paragraph X.

## **Main Issues**

8. The main issues in the appeal are:
  - whether the proposal would constitute permitted development as defined under Schedule 2, Part 3, Class Q of the GPDO, and;
  - if the proposal is found to constitute permitted development, whether it would accord with the conditions of Schedule 2, Part 3, Class Q of the GPDO with respect to the design or external appearance of the building.

## **Reasons**

### *Whether permitted development*

9. The appeal building is a chicken shed in a former egg production farm surrounded by further agricultural buildings. The building consists of a timber frame with low level concrete blockwork with wall cladding comprising of timber tongue and groove. The roof is clad in metal corrugated sheets.
10. The Council consider that the proposed building operations go beyond the extent reasonably necessary for the building to function as a dwellinghouse, as well as the partial demolition.
11. Paragraph Q.1(i) of the GPDO permits the installation or replacement of windows, doors, roofs or exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse and partial demolition to the extent reasonably necessary to carry out such works. The Planning Practice Guidance (PPG) provides further guidance in this regard, establishing that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be

considered to have the permitted development right. As the Council point out, the Hibbitt case<sup>1</sup> clarified that a conversion of an agricultural building can constitute permitted development, but a rebuild cannot. Whether the proposal constitutes a conversion or rebuild is a matter of planning judgement.

12. The appellant has included a structural assessment. This concluded that the existing structure is sufficient to accommodate the conversion into residential units. The existing timber frame and concrete base would be retained and the plans also show the low level concrete block walls would remain with the exception of where the door openings would be and where the building would be divided. The existing roof and wall cladding would be replaced with insulated corrugated roof sheets and cement based wall cladding with insulation fixed to the inside. The structural statement sets out that the new roof cladding would result in no nominal increase in load on the existing structure.
13. The conversion would result in the demolition of two small sections of the existing roof and walls to create three detached dwellings. This would allow for new exterior walls to be created which would form gable walls for the three detached dwellings. Sections of the roof would also be inset to allow for head height access. None of the existing timber frame would be removed, but would be incorporated into the proposal. I note that the Council consider the extent of demolition goes beyond what they consider necessary for the building to function as a dwellinghouse, However, that is not the wording used in the GPDO.
14. Paragraph Q.1(i)(ii) of the GPDO allows for partial demolition to the extent necessary to carry out building operations allowed by paragraph Q.1 (i)(i). Paragraph Q.1(i)(i) allows for the installation of windows, doors, roof or exterior walls, as well as replacement. Whilst cumulatively the works would appear to be extensive, the removal of the walls and roof would be reasonably necessary to allow for the installation of the proposed exterior walls. New windows, doors and rooflights would also be installed. In my view, the extent of these are not excessive, and would not go beyond the extent necessary for the building to function as a dwellinghouse. While there would be a large amount of demolition and removal of the existing roof and cladding, the proposed dwellings would be formed using the existing structure and foundations of the agricultural building and thus I consider it would fall within the remit of a conversion and not a rebuild.
15. Furthermore, my attention has been drawn to a number of appeal decisions relating to Class Q, which have allowed for the partial demolition of agricultural buildings. Whilst each case must be considered on its own merits and site specific circumstances, on the evidence before me, I consider that there are parallels with the proposal before me. Of particular note is an appeal in Staveley<sup>2</sup>, where the Inspector considered that the demolition of the central part of the existing building to create two dwellings, fell within the scope of Paragraph Q.1(i). Whilst the structural report in that appeal appears more comprehensive than this appeal, it does not alter my view that the erection of the exterior walls would be reasonably necessary for the building to function as a dwellinghouse. Moreover, the Council has raised no specific concerns in

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<sup>1</sup> Hibbitt v Secretary of State for Communities and Local Government [2016] EWHC 2853 (Admin)

<sup>2</sup> Ref: APP/E2734/W/17/3181890

relation to the information contained within the structural assessment that was submitted in this case.

16. The Council is satisfied that the proposal complies with the other restrictions and limitations specified in Paragraph Q.1. Based on the information provided, I have no reason to take a different view.
17. In conclusion, I find that the proposed conversion of the agricultural building into 3 dwellinghouses would not conflict with Paragraph Q.1(i) of the GPDO and would constitute permitted development as set out under Schedule 2, Part 3, Class Q of the GPDO.

*Design and external appearance*

18. Paragraph Q.2(1) requires the local planning authority to consider whether its prior approval will be required as to a number of matters, including the design or external appearance of the building.
19. The Council consider the design and external appearance would be detrimental to the character and appearance of the existing building and surrounding area.
20. The site is in a discrete location not visible from wider viewpoints, set behind extensive mature planting on the boundary. The existing building has black timber tongue and groove cladding and metal corrugated roofing, utilitarian in appearance and reflective of the surrounding area. The proposed replacement grey corrugated roof sheets and black cement based tongue and groove cladding would closely reflect the materials of the existing agricultural building.
21. Whilst the building would be broken up into three separate dwellings and part of the roof inset, I find that the low pitched roof form and overall massing of the dwellings would still retain the character of the original agricultural building and not that of a domestic bungalow.
22. Therefore, on this issue I am satisfied that the design and external appearance of the proposed development would be appropriate for its setting and would not be detrimental to the character and appearance of the existing building or surrounding area. The scheme would therefore be acceptable in regard to this matter for which prior approval is required.

**Other Matters**

23. The Parish Council have raised concerns about additional traffic and that the entrance to the site is currently used as a passing point on Derby Lane. Given the scale of the development I am not persuaded that significant traffic and associated wear and tear to the road would be generated. Whilst noting that the entrance to the site may act as a useful passing point to allow traffic to pass, it is already an existing access point into the site and not a formal pull in point. Furthermore, the Highways Authority have raised no objection to the proposal, subject to securing the carparking.
24. The Parish Council also raise concerns regarding the space provided within each of the three dwellings. However, under Class Q a smaller dwellinghouse, as applied for, must not have a floorspace greater than 100 square metres. Given that each of the dwellinghouses would have a gross internal area of 99 square metres it would meet the floorspace requirements set out under the

GPDO. The size of each of the rooms provided is not a matter for consideration under Class Q.

25. Subject to certain conditions which I address later in the decision, and notwithstanding the comments raised by the Parish Council, the Council does not raise any objections in relation to the other provisions set out in paragraph Q.2(1) in relation to the transport and highways impacts of the development, noise impacts of the development, contamination risks on the site, flooding risks on the site, whether its location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwelling and the provision of adequate natural light. Based on the information before me and my site observations, I have no reason to take a different view.

### **Conditions**

26. Paragraph W.(13) of the GPDO allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. I have had regard to the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity. I have also had regard to the tests in the National Planning Policy Framework and relevant elements of the PPG. The additional conditions are set out in the schedule at the end of this decision.
27. Paragraph Q.2(3) of the GPDO stipulates that development under Class Q is permitted subject to the condition that development must be completed within a period of 3 years starting with the prior approval date. A condition relating to the completion of development is therefore not necessary.
28. Given I have listed the submitted plans in my decision and Paragraph W.(12) of Schedule 2, Part 3 of the GPDO 2015 requires development to be carried out in accordance with the details approved, the Council's suggested plans condition is unnecessary and has not been imposed.
29. I have imposed a condition requiring details of the windows, doors and external materials as these are relevant to the design and external appearance of the building and are also specifically referenced in paragraph Q.1 (i)(i) of the GPDO. I have omitted the requirement for details related to rainwater goods as I do not consider this necessary for the matters in hand.
30. I consider it reasonable and necessary to impose a condition securing residents parking for the lifetime of the development to ensure highway safety.
31. I have not imposed conditions relating to hard and soft landscaping within the resident curtilages because of their limited extent, furthermore I do not consider this reasonably related to the subject matter of the prior approval and thus find the conditions unnecessary.
32. The appellant has confirmed that with the exception of building one which has extant permission for conversion to two dwellinghouses, the remaining four agricultural buildings close to the appeal building will be demolished. This is to alleviate concerns that the remaining agricultural buildings could be re-operationalised into a chicken farm, which given their proximity to the appeal building would make the conversion undesirable. It is therefore reasonable to impose a condition requiring these buildings are demolished before occupation

of the development. I have omitted the requirement, following demolition of the buildings to return the land to agricultural use. There is nothing before me to suggest that this would not be the case. Therefore, I deem that this part of the condition would not be necessary.

**Conclusion**

33. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted subject to conditions.

*T Bennett*

INSPECTOR

### **Schedule of Conditions**

- 1) Prior to installation, the following details shall be submitted to and approved in writing by the Local Planning Authority:
  - details of the roof and wall cladding;
  - details of all window and door frames, to include their materials and colour and cross section details (at a scale of 1:5) detailing their proposed positioning in the openings, and
  - details of all doors to include their materials and colour

The conversion shall be carried out in accordance with the approved details.

- 2) The development hereby permitted shall not be occupied until vehicle parking areas have been provided in accordance with the approved plans. Thereafter, during the lifetime of the development, those areas shall be retained for the parking of vehicles only.
- 3) The development hereby permitted shall not be occupied until the demolition of the agricultural buildings as detailed on the proposed site plan has been completed.

\*\*End of conditions\*\*



## Appeal Decision

Site visit made on 17 August 2021

**by Samuel Watson BA(Hons) MSc MRTPI**

**An Inspector appointed by the Secretary of State**

**Decision date: 22 September 2021**

**Appeal Ref: APP/L3245/W/21/3269754**

**Sutton Farm, Claverley, Wolverhampton WV5 7DD**

- 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 & Mrs R & C Kempsey against the decision of Shropshire Council.
- The application Ref 20/02945/PMBPA, dated 21 July 2020, was refused by notice dated 28 August 2020.
- The development proposed is a Class Q application for the change of use of an agricultural building to five dwellinghouses.

### 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) (the GPDO) for the change of use of an agricultural building to five dwellinghouses, at Sutton Farm, Claverley, Wolverhampton WV5 7DD, in accordance with the terms of the application 20/02945/PMBPA, dated 21 July 2020. The application is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2(3) of the GPDO.

### Application for costs

2. An application for costs was made by Mr & Mrs R & C Kempsey against Shropshire Council. This application is the subject of a separate decision.

### Background and Main Issues

3. Article 3(5) of the GPDO states, amongst other things, that the permission granted by Schedule 2 does not apply if, in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful. Whilst not in their reasons for refusal, the Council have expressed substantive concerns that the appeal building is not lawful as it has not been built in accordance with the approved plans.
4. Therefore, the main issues in this case are; whether the building is lawful, and if so;
  - whether the proposed development would fall within the definition of development permitted by Schedule 2, Part 3, Class Q of the GPDO with specific regard to the extent of the proposed building operations; and,

- whether the location of the building is impractical or undesirable for the proposed conversion.

## Reasons

### *Whether the building is lawful*

5. Although the appellant has not disputed that the poultry barn was not built according to the plans approved under permission BR/89/1039, there remains disagreement between the main parties as to whether the building is lawful and thus benefits from the prescribed rights under permitted development. From the evidence submitted I understand that the existing building is larger than that approved.
6. The aerial photography before me appears to show that the building has remained the same size and shape between 1999 and 2021. As such, the building would have either not been built in accordance with the approved plans, or altered to no longer be in accordance sometime prior to the aerial photography of 1999. Given the works requiring planning permission were more than likely substantially completed as of 1999, considerably more than a period of four years has elapsed, and as such, no enforcement action may be taken.
7. Section 191(2)(a) of the Town and Country Planning Act 1990 (The Act) states that operations are lawful if no enforcement action may be taken because the time for enforcement action has expired. This is notwithstanding the presence, or lack, of any lawful development certificate.
8. Therefore, and for the purposes of this appeal, I find that in all likelihood the appeal building is lawful and therefore benefits from the provisions of Class Q. In reaching this decision I have been mindful of the appeals brought to my attention by the Council.

### *Building Operations*

9. The appeal building is a simple structure formed of a timber framework with cladding forming the roof and walls. At the time of my visit the walls and roof seemed to be in a good condition and covered the entire building. The internal floor appeared to be made of concrete and was also in a good condition.
10. From the evidence before me, and my observations on site, I find that the building, and importantly, the framework are structurally sound. Moreover, the structural reports accompanying the proposal consider the building to not need further strengthening in order to accommodate the proposed works. Therefore, mindful of Paragraph 105 of the Planning Practice Guidance (PPG) and the above, I find that the building would be suitable for conversion to a residential use.
11. In this case I understand that the roofing materials would be replaced, and the walls would predominantly be replaced, although some new walls would also be erected. As part of such a conversion Class Q.1(i)(i)(aa) allows for the replacement or creation of external walls and roofs, where they are reasonably necessary for the building to function as a dwellinghouse. Therefore, whilst these works would be significant, as the building is suitable for conversion, I find that they would be reasonably necessary. In particular, Class Q allows for

the erection of new walls and so, while some of the proposed walls do not follow the existing, this is also within the scope of the Class.

12. Based on the evidence provided, I am satisfied that the structural integrity of the building is sound and would form an integral part of the new dwellings. The building operations, while significant, would be reasonably necessary in this instance and would not exceed the limitations set out in paragraph Q.1(i) of the GPDO.

*Practicality and Desirability of Location*

13. The appeal site is within open countryside and is surrounded by agricultural fields. Nearby there are also three intensive poultry barns, whilst I understand they are not currently used for this purpose they could be returned to this use. The track shared by, and immediately adjacent to, the appeal site is a public footpath and also provides access to the closest of these barns.
14. Given that the poultry barns could easily be returned to use, I have considered them as such for the purposes of this appeal. The barns are likely to generate noise and smells from the livestock and their waste, and vehicles servicing the barns are likely to further contribute to this. As Class Q allows for the conversion of agricultural buildings, which would inherently be within or near agricultural units, I find that some disturbance, including through noises and smells, would be expected.
15. Given the proximity of the closest barn there would likely be some livestock noises and smells which would reach the appeal site. However, I find that the distance from all three barns and the appeal site would be sufficient to limit any disturbance to an acceptable level considering its rural location.
16. Furthermore, as the track adjacent to the site serves only a small number of fields and one poultry barn, I find the number of vehicular movements likely to pass the appeal site to be low. Moreover, within a rural location agricultural vehicles such as tractors are to be expected to travel along roads and within fields. Mindful of this, and the limited number of movements likely, I find the vehicles would not be unduly disruptive or cause an unacceptable disturbance.
17. I therefore find that the impact of the agricultural unit surrounding the appeal site would not unacceptably affect the living conditions of the future occupiers, by way of smells or noises. The proposed development would not therefore be in an undesirable or impractical location.
18. The Council have raised concerns regarding complaints over flies and smells from the farm affecting nearby residents. However, no substantive evidence has been submitted and it has not been demonstrated that smells and flies came from the poultry barns. I have therefore given this matter limited weight.
19. The appellant has suggested that a condition or unilateral undertaking (UU) could be used in order to restrict the use of the surrounding poultry barns. A UU has been provided with the appeal. However, given my findings above I find that neither would be necessary in this instance.

**Conclusion**

20. For the reasons given above, I conclude that the appeal should be allowed and prior approval granted.

*Samuel Watson*

INSPECTOR



## Appeal Decision

Site visit made on 9 August 2021

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

**an Inspector appointed by the Secretary of State**

**Decision date: 25<sup>th</sup> August 2021**

**Appeal Ref: APP/T2350/W/21/3274371**

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

- 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 Mr A Davies against the decision of Ribble Valley Borough Council.
- The application Ref 3/2021/0096, dated 26 January 2021, was refused by notice dated 23 February 2021.
- The development proposed is the change of use from agricultural building to one dwelling and associated operational development.

### 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(a) and (b), of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use from agricultural building to one dwelling and associated operational development at Pinfold Farm, Preston Road, Ribchester, PR3 3YD in accordance with the terms of the application, Ref 3/2021/0096, dated 26 January 2021, and the details submitted with it, subject to the following conditions.
  - 1) Prior to the first occupation of the dwelling hereby permitted details of the boundary treatment of the residential curtilage shall be submitted to, and approved in writing by, the LPA. The boundary treatment shall be erected or planted prior to occupation and retained thereafter.
  - 2) Prior to the first occupation of the dwelling hereby permitted the two adjacent agricultural buildings shall be removed as shown on the Proposed Site Plan Reference 002.

### 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).
3. There is no dispute between the parties with regard to the compliance of the scheme with all the criteria in paragraph Q.1 and with paragraph Q.2 (a) to (e) and (g). Based on the evidence before me and the observations I made at my site visit, I have no reason to take a different view in terms of the scheme's 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.2 (f).

4. In the light of this the main issue in the appeal is the effect of the proposal on the design and external appearance of the building.

## **Reasons**

5. The agricultural building that is the subject of the appeal is a relatively modern fully enclosed portal frame structure. The base of the walls are constructed from concrete blocks with the top part being clad with Yorkshire boarding. The roof consists of corrugated cement roof sheets. The front elevation has a large sliding door, but otherwise there are no other openings on the barn.
6. The proposal would convert the barn to a dwelling whose external walls would be clad in timber and whose roof would be constructed from powder coated metal sheeting. Both these would reflect materials commonly found on modern agricultural buildings and which I observed on other barns in the locality. As such, the use of these materials would be sympathetic to the agricultural character of the building.
7. It is proposed to replace the existing door on the front elevation with full height glazing which would incorporate a door into the property. Whilst a greater height than the existing sliding door, the scale and proportions of this would reflect the large agricultural opening.
8. A similar sized opening is proposed on the rear elevation. Although this would not replace an existing opening it is not unusual for barns to have large openings at either end and so it would not appear out of character.
9. Other than this, both the number of openings added to the building and the size of them, have been kept to the minimum necessary to ensure light is provided to habitable rooms. The irregular shape and size of the windows and the high solid to void ratio they would maintain would ensure that the building retains its agricultural character. Moreover, the use of louvred timber cladding would reduce the visibility of the windows, and would match the timber cladding on the walls.
10. The existing barn has a number of clear panels in the roof allowing light in. Given this the proposed rooflights, which are small in size, would not be out of character.
11. As such, I am satisfied that the proposal would not unacceptably harm the design or the external appearance of the building. Accordingly, I consider it would not conflict with the requirements of paragraph Q.2(f) of the GPDO.

## **Conditions**

12. 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)).
13. 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.

14. In order to protect character and appearance of the area a condition to ensure adequate boundary treatment is provided around the curtilage of the dwellings is necessary. To ensure adequate light is provided to rooms on the eastern elevation, a condition is necessary to ensure the adjacent agricultural buildings are removed as shown on the drawings accompanying the application. As matters of design and external appearance, and the provision of adequate natural light are both assessment issues, I consider these conditions are reasonably related to the prior approval.

**Conclusion**

15. For the reasons given above, I conclude the appeal should be allowed and prior approval should be granted.

*Alison Partington*

INSPECTOR



## Appeal Decision

Site visit made on 21 November 2023

**by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28<sup>th</sup> November 2023**

**Appeal Ref: APP/T2350/W/23/3319125**

**Oaklea, Longsight Road, Copster Green BB1 9EX**

- 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 Dr Iqbal against the decision of Ribble Valley Borough Council.
- The application Ref 3/2022/1105, dated 28 November 2022, was refused by notice dated 31 January 2023.
- The development proposed is described as 'prior notification for the proposed change of use of an agricultural building to a dwelling house - Class Q (a) and (b).'

### Decision

1. The appeal is dismissed.

### Procedural Matters and Main Issue

2. The property name in the banner heading above is taken from the planning application form and my observations of the name plaque at the entrance to the appeal site, as there is no evidence before me that the alternative spelling on the Council's Decision Notice is correct.
3. The description of development in the banner heading above is taken from the appeal form and Council's decision notice, as it more accurately describes the proposed development. The appellant's statement of case refers to the building functioning as two dwellinghouses<sup>1</sup>. It is clear from the description of development and the submitted plans that the proposal relates to the provision of one dwelling only. I have determined the appeal on this basis.
4. The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) enables certain types of development to take place without the need for specific planning permission, provided certain criteria are met. Schedule 2, Part 3, Class Q of the GPDO permits development consisting of (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and (b) building operations reasonably necessary to convert the building referred to in paragraph (a) above.
5. The Council considers that the proposed operational works would be above and beyond what could be considered to be reasonably necessary to enable the building to function as a dwelling as allowed under Class Q(b). Its decision notice also includes further reasons for refusal in relation to the proposal's effects on highway safety and protected species, a matter I will come back to later in my decision.

<sup>1</sup> Paragraph 5.15 of the Appellant's statement of case.

6. The main issue in this appeal is therefore, whether the proposal would consist of building operations that exceed those reasonably necessary for the building to function as a dwelling under Class Q.1(i).

## Reasons

7. The GPDO states at Paragraph Q.1(i) that development under Class Q(b) is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs or exterior walls, or water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house. The permitted development rights also include partial demolition to the extent that it is reasonably necessary to carry out such building operations.
8. Paragraph 105 of the Planning Practice Guidance (PPG) advises that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. Building operations which are reasonably necessary to convert the building, which may include those that would affect the external appearance of the building and would otherwise require planning permission, would be permitted.
9. However, the PPG is clear that it is not the intention of the permitted development rights to allow rebuilding work that would go beyond what is reasonably necessary for the conversion of the building to a residential use<sup>2</sup>. As such, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to benefit from the permitted development rights. Neither the GPDO nor the PPG define the term 'reasonably necessary.' Consequently, this is a matter of planning judgement based on the nature and extent of the proposed building operations in each case.
10. The barn is a steel framed structure with a concrete floor and half height block work walling to the rear and sides, with corrugated sheeting above and on the mono-pitched roof. The front elevation is fully open with remnants of previous timber cladding just below eaves level. Given the missing and broken cladding, the building has an overall dilapidated appearance.
11. The Structural Report advises that the steel framework could be retained to provide suitable support for a domestic property, comprising a structurally insulated panel system with minimal remediation works. However, the steel framework is limited to 5 arches connected by timbers that are to be removed. Moreover, the structural report is based on a visual inspection, without any excavations or assessment of the foundations.
12. It is apparent from the submitted plans and the information before me that the proposed alterations would result in a significant overhaul and replacement of the existing building fabric. The external walls and roof, including all of the timber purlins and side rails would be replaced and significant areas of new external walling would be required, particularly to those elevations that are currently open or contain corrugated sheeting, along with a new insulated floor. Even if the installation of a new concrete floor could be considered to not be a structural operation, only the very basic skeletal steel frame would remain.
13. I acknowledge that the PPG does not prohibit internal works such as the erection of partitions, kitchens, bathrooms or mezzanine floors and that Section

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<sup>2</sup> Paragraph: 105 Reference ID: 13-105-20180615.

55(2) of the Act<sup>3</sup> excludes works for the maintenance, improvement or other alteration of any building which affect the interior, from the definition of development.

14. Nevertheless, I find that cumulatively the proposed works would be so extensive that nothing other than the steel frame would remain and thus, they would go beyond what could be described as building operations reasonably necessary to convert the agricultural building to a dwelling. Moreover, given the limitations of the Structural Report, I cannot be certain that further works such as the provision of foundations would not be necessary.
15. Reference is made to an appeal decision which was allowed in another local authority area that is considered to be comparable<sup>4</sup>. I have been provided with a structural condition report for the referenced appeal building that I note was penned by the same author as the Structural Report before me. Be that as it may, it is not clear that the condition report was before the previous Inspector, as it was not referenced in their decision.
16. Whilst there are similarities, the previous Inspector found that the extent of works required as being necessary to create the proposed dwelling would not be so significant that the proposal could not be construed to be a conversion. Consistency is important, nevertheless I have reached my own conclusions and determined that the proposed works in this case, on the basis of the evidence before me, go beyond what could be determined as reasonably necessary. The stripping back of the building to its bare skeletal steel frame, and rebuilding and cladding would not constitute the conversion of an existing building such that it would not be permitted development. The referenced appeal decision does not alter my findings in this regard.
17. Furthermore, the appeal decision diverges from those referenced by the Council, with which my findings are generally consistent<sup>5</sup>. The fact that different approaches have been highlighted in the cases referred to is indicative that the issue is not straightforward and a degree of judgement and interpretation is required based on the facts of the case.
18. The proposed works would essentially amount to the construction of a new dwelling, rather than the conversion of an existing building. Thus, the proposal would not accord with paragraph Q.1(i) and would not therefore benefit from the permitted development rights under Schedule 2, Part 3, Class Q(b) of the GDPO.

## **Other Matters**

19. For completeness the Council also considered whether the proposal met with the conditions set out at Q.2(1) and included reasons for refusal in relation to the transport and highways and protected species impacts of the development. However, as I have concluded that the proposal is not permitted under Class Q, I am not required to consider these matters further, including the location and suitability of the proposed access.
20. Although the impact on protected species is not specifically referred to in the GPDO or requested by the Council, consideration would nonetheless have been required under the duty imposed by Regulation 9 of the Conservation of

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<sup>3</sup> The Town and Country Planning Act 1990.

<sup>4</sup> Appeal decision APP/M2372/W/21/3277765.

<sup>5</sup> APP/M2325/W/20/3252774, APP/R3325/W/19/3242490, APP/Q3305/W/20/3244348 and APP/X1118/W/20/3260797.

Habitats and Species Regulations 2017. This requires deliberation as to whether there is a reasonable likelihood of protected species being present and affected by a proposal, including those requiring prior approval<sup>6</sup>. It would also require consideration under condition Q.2(e) as to whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwelling. Circular 06/2005 advises that ecological surveys should only be left to a planning condition in exceptional circumstances, which have not been advanced here.

21. Even if I had found that the proposal complied with the conditions at Q.2(1), this could not alter my conclusion as to the appeal proposal failing to constitute permitted development.

### **Conclusion**

22. For the reasons given, I conclude that the proposal does not constitute permitted development. Accordingly, the appeal is dismissed.

*M Clowes*

INSPECTOR

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<sup>6</sup> This is the approach taken in appeal decisions APP/X1118/W/20/3260797, APP/L3245/W/15/3004467, APP/D0121/W/19/3240553 and APP/T2350/W/22/3304870 as referenced by the Council.

**Report to be read in conjunction with the Decision Notice.**

<b>Application Ref:</b>	3/2021/0954	 <p>Ribble Valley Borough Council <a href="http://www.ribblevalley.gov.uk">www.ribblevalley.gov.uk</a></p>
<b>Date Inspected:</b>	Various /pre app	
<b>Officer:</b>	JM	
<b>DELEGATED ITEM FILE REPORT:</b>	<b>APPROVAL</b>	

<b>Development Description:</b>	Prior notification under class Q (a) and (b) for the conversion of the existing agricultural building to form 3 new dwellings.
<b>Site Address/Location:</b>	Old Sawley Grange Gisburn Rd Sawley

<b>CONSULTATIONS:</b>	<b>Parish/Town Council</b>
N/A	

<b>CONSULTATIONS:</b>	<b>Highways/Water Authority/Other Bodies</b>
<b>LCC Highways:</b>	

The highways authority raised no objection to the proposal on highway grounds and requested conditions related to provision of parking bays.

<b>CONSULTATIONS:</b>	<b>Additional Representations.</b>
No representations have been received in respect of the proposed development.	

**RELEVANT POLICIES AND SITE PLANNING HISTORY:**

Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) Order 2015.

**Relevant Planning History:**

3/2019/0434 Demolition of two agricultural outbuildings and replacement with a new office building including alterations to an existing listed building. Approved with conditions.

3/2017/0968 Demolition of redundant farm building and conversion of farm building adjoining existing offices to create additional office space. Construction of car park with landscaping works new sewage treatment plant and soakaway. Approved with conditions

**ASSESSMENT OF PROPOSED DEVELOPMENT:**

**Proposed Development for which consent is sought:**

This application relates to the conversion of an agricultural building to 3 dwellings under the provisions of Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) Order 2015. In the case of a change of use of agricultural buildings to dwellinghouses, the legislation requires the applicant to notify the Council of an intention to utilise permitted development rights through the process known as 'prior approval'.

The application building is located at the rear of Old Sawley Grange a listed building and adjacent to a stone barn that has been converted to 4 dwellings. It is situated in the open countryside but has vehicular access from the A59. The agricultural building is of modern construction and a mixture of yorkshire board cladding with concrete blockwork at lower levels. The north elevation has 3 cart door openings with the south elevation one such opening. The roof is a split height mono pitch with a corrugated cement sheet roof. It

measures approximately 37m x 17m.

The adjacent barn which is part brick and concrete with utilitarian openings is to be demolished to create a parking and curtilage area.

**Observations/Consideration of Matters Raised/Conclusion:**

This application seeks prior approval under Class Q (a) and (b) of Schedule 2 Part 3. The subsequent parts of Class Q.1 have therefore been assessed as follows:

***Development is not permitted by Class Q if—***

***(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;***

The application states that the agricultural building was last used for agricultural purposes. There is no evidence to contradict or disbelieve this and the requirements are therefore satisfied.

***(b) in the case of—***

***(i) a larger dwellinghouse, within an established agricultural unit—***

***(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or***

***(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;***

***(c) in the case of—***

***(i) a smaller dwellinghouse, within an established agricultural unit—***

***(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or***

***(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;***

The dwellinghouse proposed to be developed under Class Q has a floor space of more than 100 square metres and does not exceed 465 square metres. As such it is classed as a 'larger dwellinghouse' as set out in paragraph Q.3. of Class Q. Details have been provided in relation to interpretation of (bb) including High Court Judgement of Mansell v Malling 2017 and examples of how decisions issued by other LPA's.

***(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—***

***(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;***

***(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;***

The floor space of the proposed larger dwellinghouse would be 145sqm, within the threshold limit. The planning history for the established agricultural unit has been checked and on the date of writing the LPA had no record of any other Class Q applications on the agricultural unit.

***(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;***

***(f) less than 1 year before the date development begins—***

- (i) an agricultural tenancy over the site has been terminated, and
- (ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

The application states that the building and the area surrounding it is owned by the applicant and are not subject to any tenancy agreement. There is no evidence to contradict or disbelieve this and the requirements are therefore satisfied.

**(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—**

- (i) since 20th March 2013; or
- (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;

A planning history search has been undertaken for all of the land within the established agricultural unit and it is apparent that no applications under Part 6, Class A or B have been submitted to the LPA or approved by the LPA since the 20<sup>th</sup> March 2013.

**(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;**

The submitted plans show the external dimensions of the building would not change.

**(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 for the building to function as a dwellinghouse; and
- (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

Planning Practice Guidance (Paragraph: 105 Reference ID: 13-105-20180615) advises

*“that building works are allowed under the right permitting agricultural buildings to change to residential use. The right (Class Q) permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right”.*

It is noted that paragraph 105 above was revised on 15 June 2018 resulting in the removal of the earlier assertion that it is not the intention of the permitted development right to include the construction of new structural elements of the building and the guidance no longer asserts that it is only where the existing building is structurally strong enough to take the loading which comes from the external works that the building would be considered to have the permitted development right.

Paragraph 105 still states, however, that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use, so that it is only where the existing building is already suitable for conversion to residential use that the building would be considered to

have the permitted development right. This is derived from the basic principle that the PD right is for the *conversion* of the building to residential use, and not for its substantial reconstruction.

Taking into account the conclusion of the condition report it does appear that the building is structurally sound for conversion to residential use and would not require major structural interventions that go beyond what is reasonably necessary. Thus, the proposed development would accord with Q.1 (i).

***(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***

The agricultural building is located within an area of open countryside and is not included within any of the above.

***(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 building does not form part of any of the above.

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

The agricultural building and its curtilage do not contain a scheduled monument

***(m) the building is a listed building.***

The agricultural building and its curtilage do not contain a listed building. It is recognised that the demolition of the adjacent barn is attached to a listed building but the building itself is not listed.

**To satisfy the requirements of Class Q (a) and (b) the Local Planning Authority's approval is required in respect of the following conditions listed in Schedule 2 Part 3 Q2.**

***(a) transport and highways impacts of the development***

It is proposed to utilise an existing access off A59 that currently serves the adjacent dwelling and offices.

In assessing transport and highways impacts of the development the County Surveyor raised no objection relating to the intensification of the use of the access together with the visibility.

Taking into account the observations of LCC it is considered that the existing access is suitable to serve the proposed dwellings.

***(b) noise impacts of the development***

In relation to this particular consideration and having regard to its location to the existing dwellings and office it is opined that the use of the building would not result in significant detrimental impact on this dwelling and, therefore, the application is considered to be acceptable.

**(c) contamination risks on the site**

No concerns.

**(d) flooding risks on the site**

With regards to the matter of flooding, the Environment Agency flood map shows the site to be outside of a flood zone and there are no known local flooding issues. The proposed development is therefore considered to be acceptable in relation to this particular consideration.

**(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.**

The site has a genuine history of agriculture. The adjacent building is to be demolished and it is unlikely that immediate build up area would return to agricultural use but the fields beyond are still agricultural and would not be restricted by this proposal.

***(f) 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.***

On farm buildings windows and doors are commonly small and insignificant. Farm buildings are operational structures with a functional simplicity which is an essential part of their character. In order to protect the character and setting of the surrounding countryside new openings should be kept to a minimum to avoid a clearly domestic appearance.

The proposed conversion makes use of the existing sliding door opening and creates new openings to replicate the utilitarian nature of the building and uses timber louvres/slats to retain the form of the building allowing for the introduction of overhanging eaves.

It is considered that any adaptation would need to balance the practical requirements of the use as dwellings whilst also protecting the utilitarian character of the farm building and its form. The proposal uses original openings where possible and the roof shape remains with the use of cantilever roof and internal amenity space. Whilst the scheme introduces roof lights the existing roof has some clear panels that punctuate the roof in a similar format.

In summary, it is considered that the proposed openings and their design would not compromise the character of the shippon building and its setting.

As set out in paragraph X of Part 3, “*curtilage*” means, for the purposes of Class Q, R or S only—

- (a) *the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or*
- (b) *an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser;*

The garden area proposed meets the requirements of paragraph X.

It is considered that the proposals satisfy 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 such, it is recommended that prior approval is approved.

<b>RECOMMENDATION:</b>	That prior approval be granted
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Report to be read in conjunction with the Decision Notice.								
Signed:	Officer:	BT	Date:	14/3/23	Manager:	LH	Date:	14/3/24

<b>Application Ref:</b>	3/2024/0046			 <b>Ribble Valley Borough Council</b> <a href="http://www.ribblevalley.gov.uk">www.ribblevalley.gov.uk</a>	
<b>Date Inspected:</b>	3/11/23	<b>Site Notice:</b>	N/A		
<b>Officer:</b>	BT				
<b>DELEGATED ITEM FILE REPORT:</b>			<b>APPROVAL</b>		

<b>Development Description:</b>	Prior notification under class Q (a) and (b) for the conversion of the existing agricultural building to form 3 new dwellings (pursuant to variation of condition 2 (approved plans) of prior approval 3/2021/0954.
<b>Site Address/Location:</b>	Old Sawley Grange, Gisburn Road, Sawley, BB7 4LQ.

<b>CONSULTATIONS:</b>	<b>Parish/Town Council</b>
<b>Bowland-by-Bowland, Gisburn Forest and Sawley Parish Council:</b>	Consulted 23/1/24 – no response.

<b>CONSULTATIONS:</b>	<b>Highways/Water Authority/Other Bodies</b>
None.	

<b>CONSULTATIONS:</b>	<b>Additional Representations.</b>
None.	

<b>RELEVANT POLICIES AND SITE PLANNING HISTORY:</b>
Schedule 2, Part 3, Class Q (a) and (b) of the Town and Country Planning (General Permitted Development) Order 2015.
National Planning Policy Framework (NPPF)
Planning practice guidance: Flexible options for planning permissions

<b>Relevant Planning History:</b>
<b>3/2024/0019:</b> Approval of details reserved by conditions 4 (materials), 5 (boundary treatment), 8 (bat and bird boxes), 9 (EV charging points) and 10 (construction method statement) of Prior Approval 3/2021/0954 under class Q (a) and (b) for the conversion of the existing agricultural building to form 3 new dwellings. (Approved)
<b>3/2023/0815:</b> Prior notification under Class Q (a) and (b) for the conversion of the existing agricultural building to form 3 (4 bed) new dwellings. (Refused)
<b>3/2021/0955:</b> Change of use of land from agricultural to proposed offices (Approved)

**3/2021/0954:**

Prior notification under class Q (a) and (b) for the conversion of the existing agricultural building to form 3 new dwellings (Permission Not Required)

**3/2019/0435:**

Demolition of two agricultural outbuildings and replacement with a new office building including alterations to an existing listed building (LBC) (Approved)

**3/2019/0434:**

Demolition of two agricultural outbuildings and replacement with a new office building including alterations to an existing listed building (PP) (Approved)

**3/2017/0969:**

Demolition of redundant farm building and conversion of farm building adjoining existing offices to create additional office space. Construction of car park with landscaping works new sewage treatment plant and soakaway (LBC) (Approved)

**3/2017/0968:**

Demolition of redundant farm building and conversion of farm building adjoining existing offices to create additional office space. Construction of car park with landscaping works new sewage treatment plant and soakaway (PP) (Approved)

**3/2002/0968:**

Demolition of farm shed and conversion of farm building adjoining existing offices to create additional office space, construction of car park & associated landscaping (Approved)

**3/1999/0901:**

Floodlit sign on entrance walls (Approved)

**3/1997/0704:**

Conversion of barn into offices & flat, demolish some recent farm buildings, layout parking area and provision of septic tank (resubmission) (PP) (Approved)

**3/1997/0705:**

Conversion of barn into offices & flat, demolish some recent farm buildings, layout parking area and provision of septic tank (LBC) (Approved)

**3/1997/0449:**

Conversion of barn into offices. Demolish some recent farm buildings. Layout parking area and provision of septic tank (LBC) (Withdrawn)

**3/1997/0448:**

Conversion of barn into offices. Demolish some recent farm buildings. Layout parking area and provision of septic tank (PP) (Withdrawn)

**ASSESSMENT OF PROPOSED DEVELOPMENT:****Site Description and Surrounding Area:**

The application relates to an agricultural building situated on the Eastern outskirts of Sawley. The building in question comprises a rectangular footprint with a split level gabled roof profile, steel portal framework, blockwork, vertical timber cladding and fibre cement roof sheets. The building in question is sited within a farmstead comprising a converted barn and adjoined farmhouse property with additional agricultural buildings adjoined to the rear South-eastern elevation of the converted barn. Access to the site is from

the A59 Gisburn Road via an existing access track. A small cluster of residential dwellings lies immediately to the South of the application site with the wider area comprising a mixture of woodland, agricultural land and open countryside.

#### **Proposed Development for which consent is sought:**

Planning consent was granted as part of application 3/2021/0954 for the conversion of an existing agricultural building to form three new units of residential accommodation under Schedule 2, Part 3, Class Q (a) and (b) of the Town and Country Planning (General Permitted Development) Order 2015.

Consent is sought for design amendments to the original consent granted which are summarised as follows:

- Three pane full length casement windows replaced with two full length windows in North elevation
- Three pane full length casement windows replaced with two full length windows in South elevation
- Eastern elevation
  - omission of roof light in Southern unit
  - minor reduction to cladded roof section on Southern unit
  - omission of roof light in middle unit
  - minor reduction to cladded roof section on middle unit
  - omission of one full length window in middle unit
  - omission of roof light Northern unit
  - minor reduction to cladded roof section on Northern unit
- West elevation
  - omission of roof lights in all units
- Minor increase to footprint of all units (all still contained within roof structure of building)
- Mezzanine level omitted from all units

The applicant has stated that the proposed changes would facilitate the creation of single storey residential units. Accordingly, consent is sought to replace the approved plan numbers forming part of previous planning application 3/2021/0954 with revised plans submitted as part of this S73 application. Case Law supports a s73 application to be made where minor alterations are proposed to an existing Prior Approval consent.

#### **Principle:**

Having regard to the previously approved prior approval scheme and the external works permitted to facilitate the conversion of the building to residential use, it is considered that the proposed changes would fall within the scope of that previous approval and amount to a minor material amendment.

#### **Visual Amenity/External Appearance:**

Paragraph 135 (c) of the NPPF states:

*'Planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting'.*

The changes proposed to the existing consent include increases to the footprints of each of the three approved residential units. Whilst these changes would amount to a cumulative increase in floor space at the ground floor level with respect to the previously approved development, the proposed footprint increase would be minimal relative to the consent originally approved. The walls would remain contained within the roof structure of the building as such the minor increase would not be discernible.

Furthermore, the proposed omission of the previously approved mezzanine levels for each of the residential units would amount to a net reduction in footprint on the previous development from 465m<sup>2</sup> to 408m<sup>2</sup>. Additional changes proposed to the original consent include the omission of roof lights and minor alterations to cladded roof features and fenestration and whilst these would be visible changes, their implementation (and omission) would not amount to a fundamental change in design and external appearance with respect to the originally approved development.

Taking account of above, it is not considered that the changes proposed to the development originally approved would result in any harm to the visual amenities of the immediate or wider area. The proposed development would therefore satisfy the requirements of Paragraph 135 (c) of the NPPF.

**Observations/Consideration of Matters Raised/Conclusion:**

The proposed variation to condition 2 of prior approval 3/2021/0954 is considered acceptable on the basis that the changes proposed are considered to amount to a minor material amendment to the development approved and it is not considered that these changes would result in any harm to the visual amenities of the immediate or wider area.

It is for the above reasons and having regard to all material considerations and matters raised that the application is recommended for approval.

<b>RECOMMENDATION:</b>	That the application be approved.
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