

Planning Appeal Statement

**Refusal of the Local Planning Authority to
grant 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**

Pewter House Farm
Commons Lane
Balderstone
BB2 7LN

Prepared by Gemma Kennedy BA (Hons) MA Town Planning

March 2025



WBW Surveyors Ltd
Skipton Auction Mart
Gargrave Road
Skipton BD23 1UD
+44 01756 692 900
www.wbwsurveyors.co.uk

Table of Contents

1. Introduction and Background	1
2. The Appeal Site and Planning History	2
3. Grounds of Appeal	4
i. First Reason for Refusal	4
ii. Second Reason for Refusal	13
4. Conclusion	16
Appendices	18
1) Decision Notice	
2) Delegated Report	
3) Structural Engineer Email	
4) Relevant Appeal Decisions (in order of reference)	
5) Delegated reports for Old Sawley Grange	

1. INTRODUCTION AND BACKGROUND

- 1.1 This statement is submitted on behalf of Miss Laura Howe (“**Appellant**”) in support of an appeal (“**Appeal**”) against the decision of Ribble Valley Borough Council (the “**Council**”) to refuse to grant prior approval under Class Q (a) and (b) for the change of use of steel portal framed agricultural buildings to five dwellings (“**Development**”) on land at Pewter House Farm, Balderstones (the “**Appeal Site**”).
- 1.2 The application was received by the Council on 23rd December 2024 and registered by the Council on 7th January 2025. The application was allocated reference number 3/2024/1043.
- 1.3 The application was submitted under Schedule 2, Part 3, Class Q of the General Permitted Development) (England) Order 2015 (“**GPDO**”). The application exercised the transitional provision set out under Article 10 of The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 which permits the making of an application for determination as to prior approval in relation to previously permitted development under Class Q until the end of 20th May 2025. Accordingly, the application was made for two larger dwellinghouses (not exceeding a cumulative floor space of 465 sq m) and three smaller dwelling houses (not exceeding individual floor spaces of 100 sq m).
- 1.4 The Council refused prior approval in a decision notice (Appendix 1) dated 28th January 2025. The delegated report¹ is provided at Appendix 2. The application was refused for two reasons;
 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*

¹ Delegated report annotated with page numbers and paragraphs to allow for reference throughout the appeal statement

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.*

2. THE APPEAL SITE AND PLANNING HISTORY

- 2.1 The Appeal Site is located in a rural setting in the southern part of the Ribble Valley, to the northeast of the settlement of Balderstones. The Appeal Site is accessed via Carr Lane, from Commons Lane, and is 1.6 miles from the A59. The Appeal Site is just over 4 miles from the town of Blackburn and 5 miles from the city of Preston.
- 2.2 The Appeal Site consists of a farmhouse with attached barn, with the Appeal buildings – a range of three attached steel portal framed agricultural structures adjoining each other - running in a north easterly direction from the farmhouse and barn. Each of the portal framed building structures contain four bays of varying widths, and they are all covered by cement profile roof sheeting over timber purlins which span between the steel frames. The lower parts of the external elevations have concrete

block walls or timber (apart from the eastern building which is open to the lower section), with the upper sections having timber or corrugated cladding. The front (northwest) elevation has open sections.

2.3 A number of Class Q applications have been submitted on the Appeal Site, with each successive application seeking to address concerns previously raised through amending design, carrying out highway's surveys, and undertaking investigative works to thoroughly assess the structural condition of the buildings.

- 3/2022/0909: Change of use of three adjoining steel portal frame agricultural structures to five dwellings under Class Q (a) and (b) of the GPDO. Refused 11/11/2022.
- 3/2022/1072: 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 03/01/2023
- 3/2023/0725: 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 2/2022/1072. Refused 05/02/2024
- 3/2024/0266: Change of use of three adjoining steel portal frame agricultural building to five dwellings under Class Q (a) and (b) of the GPDO. Refused 23/05/2024
- 3/2024/0753: 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 04/11/2024

3. GROUNDS OF APPEAL

3.1 The application was refused by the Council on the grounds of the building works going beyond those reasonably necessary to convert the building, and that the Development would be visually incongruous. The delegated report provides a full assessment of the application against the requirements of Schedule 2, Part 3, Class Q of the GPDO and confirms that in all other respects the proposed Development complies with the requirements of Class Q.

i. First Reason for Refusal: Building Operations

3.2 Class Q, Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits the change of use and conversion of agricultural buildings to dwellinghouses. An application may be made under Class Q (a) or under Class Q (a) and (b). In this case the application was made under Class Q (a) and (b).

3.3 Class Q (a) and (b) permits development consisting of;

- (a) *a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses)...*
- (b) *development referred to in paragraph (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.*

3.4 Those building operations referred to under Class Q (a) are clarified under Class Q.1 (i) of Schedule 2, Part 3 of the GPDO, where it states that development is not permitted by Class Q if;

(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)*

3.5 The first reason for refusal of the application states that 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, thus failing to satisfy Class Q.1(i) and (ii). For clarity it is interpreted that the reference on the decision notice to Class Q.1(i) and (ii) should be read as Q.1(i)(i) and Class Q.1(i)(ii). Secondly, it is noted that although the decision notice refers to Q.1(ii) (or Q.1(i)(ii) – which deals partial demolition – the delegated report does not raise any concerns or objections with regards to any demolition. It therefore the Appellant’s understanding – based on the content of the delegated report – that the first reason for refusal relates purely to Q.1(i)(i), and specifically to sub-paragraph (aa) relating to windows, doors, roofs, or exterior walls.

3.6 Since the introduction of Class Q, originally Class MB, a variety of interpretations as to the term ‘building operations’ deemed ‘reasonably necessary’ have arisen in planning and appeal decisions. To provide greater clarity in relation to this matter the Government published Planning

Practice Guidance (PPG) in 2018 under paragraph 105 (Ref ID 13-105-20180615), including reference to a key High Court decision in the case of *Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin)*.

3.7 Paragraph 105 of the PPG sets out that applications for the conversion of agricultural buildings to residential use under Class Q assumes that the agricultural building is capable of functioning as a dwelling. The PPG goes on to state that;

“The right 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....to the extent reasonably necessary for the building to function as a dwellinghouse...”

3.8 The key matter for consideration under Class Q is that the works required to convert the building to a dwelling are capable of being undertaken without amounting to a rebuild. This is clarified at paragraph 105 of the PPG, where it is stated 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.”

3.9 It is further noted at paragraph 105 of the PPG that for a building to function as a dwelling it may be appropriate to undertake internal structural works, and that internal works are not generally development.

3.10 The referred to Hibbitt Case deals with the difference between conversions and rebuild under Class Q. In the Hibbitt Case the agricultural building in question was fully open on three elevations and was considered incapable of functioning as a dwelling without needing extensive works. Those building works required were so extensive that they were considered to amount to rebuild - the proposed works thus went beyond that of a conversion, falling outside the scope of development permitted under Class Q;

“It seems clear that in principle an “agricultural building” can, at one end of the extreme be a very minimalist or skeletal structure indeed. To convert such a building into a dwelling might involve a very great deal of fundamental work which in terms of its nature and extent is much closer to a rebuild than a more traditional conversion.”

“In any event the nub of the point being made by the Inspector, in my view correctly, was that the works went a very long way beyond what might sensibly or reasonably be described as a conversion. The development was in all practical terms starting afresh, with only a modest amount of help from the original agricultural building.”

(Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).)

3.11 It is the Council's case that building operations proposed in the Development subject of this Appeal would go beyond those "reasonably necessary for conversion" and that the works proposed, and that the rebuilding that would likely be required would be tantamount to the construction of new dwellings, falling outside the scope of Class Q.

3.12 The Council's justification for this position is set out in paragraph 36 at page 5 of the delegated report, where the officer contends that there are two issues – new build elements and the condition of existing cladding and roofing sheets;

“...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”

“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.”

New Build Elements

3.13 With regards to the new build aspect of the Council's objection, it is the Appellant's case that the building works proposed in the installation of external walls, windows and doors in existing openings and in new openings fall wholly within the parameters of Class Q.

3.14 The Council's description of "*significant external works*", set out at paragraph 30 page 5 of the delegated report, specifically relate to the installation of new external walls, windows and doors. It is the Appellant's case that the existing building is already suitable for conversion to residential use, and that the installation of new external walls to part of the

building, and the installation of windows and doors throughout the building, are works that are reasonably necessary for the building to function as a dwellinghouse and fall expressly within the scope of works permitted under Class Q(i) of the GPDO. The works proposed by no means “*fall within the realm of substantial construction that would exceed works of conversion*” as is contended by the Council at paragraph 35 page 6 of the delegated report.

3.15 The Council’s view that the works would involve the substantial reconstruction of the building contradicts the findings set out within the Structural Condition Report (SCR) submitted with the Appeal application. The SCR (at section 7) confirms that the building “*is in good condition structurally*”. Furthermore, the existing floor slabs, having been the subject of investigations and inspection, are noted as being in good condition and are “*comfortably capable of supporting the required imposed loads from new internal walls*”. The existing buildings are of solid construction, and the proposed conversion does not involve a level of work that would make the Development closer to a rebuild than a conversion.

3.16 This Appeal is support by relevant Class Q appeal decisions where the Planning Inspector concluded that works involved in enclosing buildings did not go beyond what could reasonably be described as conversion.

3.17 In an Appeal Decision in the former Craven District Council (Lane End Farm, Appeal Ref: APP/C2708/W/18/3195602 – May 2018) a steel portal frame building with a fully open front elevation was noted by the Inspector to “*introduce external walling to the front of the building including extensive glazed doors in each of the bays*”. The remaining elevations required additional timber boarding to cover open boarding, and insulated metal sheets would replace the existing roof covering. The Inspector accepted that the building operations would be of ‘some extent’, but concluded that;

“...given 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.”

3.18 An Appeal was allowed against the decision of South Somerset District Council (Knowle Green Farm, Appeal Ref: APP/R3325/W/18/3207255 – February 2019) for the conversion of a 5 bay steel portal frame building, which was entirely open to the south elevation. In that case the structural steelwork would be retained along with the timber roof structure, but the roof covering was to be replaced with zinc tray materials. The South elevation was to have a new external wall with windows inserted. Numerous new vertically emphasised windows, along with doors, were proposed on the remaining elevations. The Inspector concluded the following;

“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 the Inspector concluded that the extent of the 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.

.....
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.”

Condition of external cladding and roofing

3.19 It is the Council's case that the existing roofing and cladding to the buildings is in a worn condition, and that it is highly likely to require replacement to achieve a habitable standard.

3.20 It is the Appellant's case that the external cladding and roofing materials are in good condition, and that any replacement cladding and roofing that is required can take place within the parameters of Class Q.

3.21 Paragraph Q.1(i)(i)(aa) of the GPDO allows building operations including the installation or replacement of roofs or exterior walls. Neither the GPDO nor the PPG prescribe a maximum threshold for the extent of walls and roofs that are permitted to be installed or replaced under Class Q – only that the works are permitted to the extent reasonably necessary for the building to function as a dwellinghouse.

3.22 In the case of the buildings at Pewter House Farm the SCR states that the existing walling and roofing materials are in good condition, and that there is no reason why the majority of the external elements of the building could not be retained. The submitted drawing (RBV-PL-004 Rev A) notes that the existing roofing and cladding will be retained, with repairs and new cladding where necessary. It is reasonably necessary to undertake these repairs and works to allow the building to function as dwellinghouses, and it is therefore permitted under paragraph Q1(i)(i) of the GPDO.

3.23 The Council's assertion that the cladding and roofing sheets have a 'largely worn' appearance, and that in their view would "likely make them unsuitable for re-use in the proposed development", does not provide

justification for the Development failing to satisfy Class Q.1(i)(i). The fact of the case is that although the roofing and walling materials may have a worn appearance in the opinion of the Council, it does not follow that they require replacing, as is reiterated by the Appellant's Structural Engineer in the email at Appendix 3. As previously stated at paragraph 3.21 of this Appeal Statement even if the roofing and cladding material were required to be replaced to enable the building to function as dwellinghouses, the requirements of Class Q.1(i)(i) would continue to be met.

- 3.24 In the following appeal decisions, it was accepted that works **beyond** those proposed at Pewter House Farm complied with Class Q.
- 3.25 In an appeal decision allowed against Derbyshire Dales District Council (Stoneleigh Farm, appeal Ref: APP/P1045/W/24/3342866 – dated January 2025), removal and replacement of all the existing roofing and wall cladding was proposed, alongside demolition works. The Planning Inspector considered that as the proposed dwellings would be formed using the existing structure and foundations of the agricultural building, the works fell within the remit of a conversion and not a rebuild.
- 3.26 An appeal was allowed against Shropshire Council (Sutton Farm, appeal Ref: APP/L3245/W/21/3269754 – dated 22nd September 2021) where the walling appeared to be in good condition, but the proposal was to replace the majority of walling in any case, with some new walls erected. The roofing materials were also proposed to be replaced. The Inspector noted that Class Q allows for the erection of new walls and further concluded that the structural integrity of the building was sound and would form an integral part of the new dwellings. The Inspector considered that whilst the building operations in that case were significant, they would be reasonably necessary and would not exceed the limitations set out in paragraph Q.1(i) of the GPDO.

3.27 In summary it is the Appellant's case that the building operations proposed at the Appeal Site are reasonably necessary to allow the buildings to function as dwellinghouses, and the Development therefore satisfies the requirements of Class Q.1(i)(i).

ii. Second Reason for Refusal: Design and External Appearance

3.28 Paragraph Q.2(1)(f) of Schedule 2, Part 3 of the GPDO states that where development is proposed under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to (with regards to the matter of consideration under this Appeal) point (f) the design or external appearance of the building. Although the Council have deemed the Development not to be permitted under Class Q.1(i)(i) they have nevertheless considered the acceptability of the proposal under Paragraph Q.2, as is common practice.

3.29 The second reason for refusal states that the proposal would create an overtly domestic development that would be largely incongruous with the agricultural vernacular of the buildings within the immediate and surrounding area.

3.30 It is the Appellant's case that the scheme of works proposed at Pewter House Farm would respect the character and appearance of the existing buildings and their surroundings, complying with Paragraph Q.2(1)(f).

3.31 Unlike traditional stone barns, modern agricultural buildings generally have larger and taller openings to accommodate modern farming machinery and practices. This is the case at Pewter House Farm, and the

Development has been designed to make use of those openings with the insertion of largely vertical panes of glass alongside timber boarding in order to maintain an agricultural appearance. The Appellant therefore disagrees with the Council's assertion that the design of the Development is overtly domestic and therefore incongruous with the surroundings. Furthermore, it is the Appellant's case that the Development would improve the appearance of the existing building and make a positive contribution to the character and appearance of the immediate and surrounding locality.

3.32 In previous refusals of Class Q applications at Pewter House Farm the planning officer raised concerns within the delegated reports that the proposed elevations would be 'overtly domestic'. The architect sought inspiration and guidance from other Class Q decisions that had been permitted in the Ribble Valley to seek to address and overcome this particular point of objection.

3.33 In one such Class Q development permitted in Ribble Valley, the decision was made at appeal. An application at Pinfold Farm, Ribchester (appeal reference: APP/TS350/W/21/3274371, dated August 2021, Ribble Valley Borough Council planning reference 3/2021/0096) proposed the installation of a range of slim vertical and horizontal windows, along with full height windows into the ridge of the building on the front and rear elevations. The Planning Inspector concluded that the irregular shape and size of the windows, and the high solid to void ratio, would ensure that the building retains its agricultural character. The Inspector also noted that the use of louvred timber cladding (as is proposed at Pewter House Farm) would reduce the visibility of the windows, and would match timber cladding on the walls. The Inspector concluded;

"I am satisfied that the proposal would not unacceptably harm the design or external appearance of the building.

Accordingly I consider it would not conflict with the requirements of paragraph Q.2(f) of the GPDO.”

3.34 In a planning application permitted by under delegated powers in Ribble Valley at Old Sawley Grange (planning reference: 3/2021/0954, dated December 2021 – delegated report at appendix 5) the installation of glazing with a horizontal emphasis on all elevations was proposed, set back from the frontage with the use of vertical timber boarding to act as a Brise Soliel. The delegated report noted that the proposed conversion would make use of existing openings, with new openings to replicate the utilitarian nature of the building, and the use of timber louvres/slats to retain the form of the building. Although it is appreciated that the scale and appearance of the building at Old Sawley Grange differs from those at Pewter House Farm, the general design approach of both applications is very similar.

3.35 The approved development at Old Sawley Grange was specifically referred to in the supporting letter dated 23rd December 2024 submitted by the planning agent C49 Architecture with the Appeal application. The application referred to in the letter was a resubmission of the original application, but it was nevertheless a legitimate reference raised by the planning agent, however the planning officer dismissed this reference at paragraph 58 on page 9 of the delegated report. The first point of opposition raised in the delegated report is that the referred to application was a minor material amendment to a previous application (reference 3/2021/0954 – approved 20th October 2021) (paragraphs 57 and 58 at page 9 of the delegated report) and as the matters relating to design and external appearance were minor, the application was approved. The Council's point is unclear here. Whether comparing the scheme at Pewter House Farm to the later application (3/2024/0046 – delegated report at appendix 5) or the original application (3/2021/0954) the fact is that both schemes feature a set back frontage, a range of vertically emphasised

windows including within large openings, and brise soleil. Both applications are comparable with the Development at Pewter House Farm.

3.36 Secondly, the delegated report states that amended application 2/2021/0954 was approved prior to a relevant appeal decision referenced earlier in the delegated report (APP/TS350/W/23/3319125, Oakleigh, Dismissed 28/11/2023) – implying that the dismissal of that appeal was relevant to the matter of ‘design and external appearance’. However, the referred to appeal was dismissed on the grounds of failing to comply with paragraph Q.1(i) – not in relation to Class Q.2(f). In fact, the delegated report for the dismissed appeal concluded, in relation to paragraph Q.2(f), that; *“...the proposed dwelling is considered to be acceptable in terms of its design and external appearance.”*

3.37 It is the Appellant’s case that application 3/2024/0046 and application 3/2021/0954 are relevant to the Appeal at Pewter House Farm, as they demonstrates the Council’s approval of development comparable with the proposals at Pewter House Farm.

4. CONCLUSIONS

4.1 The subject of this Appeal is whether the proposed building operations under Class Q(b) meets the requirements of Class Q.1(i)(i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the matter set out in Class Q.2(1)(f) of the Town and Country Planning (General Permitted Development) (England) Order 2015 with regard to the character and appearance of the Development.

4.2 It is the Appellant’s case that the Council, in refusing the application, have incorrectly interpreted and applied both the Class Q Legislation and Planning Practice Guidance. The proposed Development would in fact comply wholly with the requirements of Class Q.

4.3 As discussed in this Appeal Statement, the building operations proposed under Class Q.1(i)(i) fall under those operations permitted within the Legislation, namely the installation or replacement of windows, doors, roofs and exterior walls. The Structural Condition Report submitted with the planning application confirmed that the building is in good structural condition and is capable of conversion to dwellings. The works proposed amount to conversion and not a new build development, as is asserted by the Council.

4.4 With regards to Class Q.2(f) it is appreciated that this is a matter of consideration by the decision maker. In this case the Council has considered that in their view the proposed design would be overtly domestic and therefore incongruous in the setting. As discussed in this Appeal Statement, the Appellant disagrees with this assertion. The design proposed is consistent with other developments approved under Class Q within the Ribble Valley both under delegated authority and at appeal, and would respect the existing buildings and setting at Pewter House Farm.

4.5 We therefore respectfully ask for the Inspector to allow this Appeal.

APPENDICES

- 1) Decision Notice**
- 2) Delegated Report**
- 3) Structural Engineer Email**
- 4) Relevant Appeal Decisions**
(in order of reference)
- 5) Delegated Reports for**
Old Sawley Grange