

Appeal Decision

Site visit made on 9 August 2016

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27th September 2016

Appeal Ref: APP/T2350/W/16/3150631

Lambing Clough Barn, Lambing Clough Lane, Hurst Green, Clitheroe, Lancashire BB7 9QN

- 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) Order 2015.
 - The appeal is made by Mr Richard Wilkinson against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2016/0125, dated 1 February 2016, was refused by notice dated 22 March 2016.
 - The development proposed is the change of use of agricultural building to a dwelling house (Class C3), and for associated operational development (Class Q) at Lambing Clough Barn.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for the change of use of agricultural building to a dwelling house (Class C3), and for associated operational development (Class Q) at The Lambing Shed, Lambing Clough Lane, Hurst Green, Clitheroe, Lancashire BB7 9QN in accordance with the details submitted pursuant to Schedule 2, Part 3, Class Q of the GPDO, subject to the conditions contained within the Schedule attached to this decision.

Application for costs

2. An application for costs was made by Mr Richard Wilkinson against Ribble Valley Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appellant seeks prior approval for the conversion of the appeal building to a dwellinghouse under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development (England) Order 2015 (GPDO).
4. A prior approval application was made, dated 15 November 2015¹ and was subsequently determined by the Council, giving notice to the appellant that prior approval was given subject to a condition stating *'The development shall not be begun until the Prior Approval of the Local Planning Authority has been granted regarding Class Q (b) of the Order relating to the design or external of the*

¹ LPA Ref 3/2015/0959

appearance of the proposed dwelling.' Therefore, the Council has accepted the principle of the proposed development.

5. A further prior approval application was made to the Council, dated 1 February 2016². This application was made explicitly under Class Q.(b) of the Order, in accordance with the condition attached to 3/2015/0959. The Council determined that prior approval was refused for the following reasons:
 - 1) The proposed change of use and associated operational development cannot be considered through the prior approval procedure as the development has already commenced contrary to Paragraph W(11) of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - 2) The proposed development fails to provide sufficient vehicular parking within the residential curtilage of the dwellinghouse. The domestic use of land beyond the area shown as curtilage would be essential and unavoidable and the proposal could not be implemented without it. This would result in a curtilage area that exceeds the limits defined in Paragraph X of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
6. The appellant argues that the application ref 03/2015/0959 should have been considered as a Class Q.(a) and (b) application based on the information submitted with it. However, whether or not the Council dealt with that application correctly is not a matter before me in the consideration of this appeal. I have determined the appeal based on the appeal submission, which is with regard to the Council's refusal of application 3/2016/0125.

Main Issues

7. The main issues in this appeal are:
 - Whether the development has commenced; and,
 - Whether the development would provide sufficient parking provision.

Reasons

Commencement of development

8. In their first reason for refusal, the Council contend that the building has been altered with the intention of converting it into a residential unit, including, but not limited to, the installation of an oil tank, double glazed windows and an en-suite. Whilst I was unable to gain access to the building during my site visit, I have no reason to doubt the Council Officer's observations that these features are present within the building.
9. However, there is some doubt as to whether these works were carried out between the Council's granting of prior approval for application 03/2015/0959 and the application which is the subject of this appeal. The appellant states that some internal works had been carried out, for which permission would not have been required. In granting prior approval under Class Q.(a), the Council must have considered the condition of the building and determined that any works that might have been undertaken to it did not fail to comply with Q.2 (1) of Class Q. Therefore, in the consideration of the proposal before me the question is whether

² LPA Ref 3/2016/0125

the works were carried out following the Class Q.(a) prior approval. Based on the limited evidence before me, on the balance of probabilities, I find that works had not commenced following the Class Q.(a) prior approval that would result in the proposed development failing to comply with Q.2 (1) of Class Q.

Parking Provision

10. The application submission includes a plan outlining the proposed curtilage area, which the Council confirms is in accordance with the requirements of the GPDO. However, the Council contend that the curtilage does not include any parking provision, waste/recycling and cycle storage and therefore the area of domestic land required for the dwelling would extend beyond the defined curtilage.
11. In its consideration of application 3/2015/0959, the Council explicitly accepted that the extent of the curtilage was acceptable and that the development would not raise any highway issues. In granting the Q(a) prior approval, the Council found that the proposal was acceptable with regard to Q.2 sub-paragraphs (1)(a) to (e) and the provisions of paragraph W.
12. Notwithstanding the above, there would appear to be sufficient room for waste/recycling and cycle storage within the defined curtilage. With regard to whether or not the curtilage could accommodate car parking, as the Council accepted that the development would not raise any highway issues in the Q(a) prior approval, insisting upon car parking provision would go beyond the provisions of Class Q, which does not specifically require the development to provide parking. Nevertheless, there would appear to be sufficient off-road parking provision around the site, within the applicant's ownership.

Conditions

13. I have had regard to the various conditions suggested by the Council. I have imposed conditions to ensure that, in accordance with the GPDO, development must be carried out within three years from the date of this decision and in compliance with the approved plans.
14. In the interests of the character and appearance of the building and the area, conditions are necessary regarding boundary treatments, doors, windows, gutters and roof lights.
15. I do not consider that exceptional circumstances have been demonstrated to justify the removal of permitted development rights.
16. With regard to a condition referring to the curtilage as outlined on plan PHD.RW.2000, this plan is one of the approved plans already covered in the condition I have referred to above. Accordingly, a separate condition referring to this plan is not necessary.

Conclusion

17. I therefore conclude that in relation to Class Q sufficient information has been provided to enable me to allow the appeal.
18. For the reasons given above, I find that the proposed change of use is permitted development under Class Q and as such, having considered all matters raised, the appeal is allowed and approval granted.

Alexander Walker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted must be completed within a period of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:2500, PHD.RW.1000, PHD.RW.2000, PHD.RW.3000 and PHD.RW.4000,
- 3) Prior to the first occupation of the hereby approved dwelling, full details of the alignment, height and appearance of all boundary treatment, including but not limited to fences, walls and gates to be erected shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to first occupation of the hereby approved dwelling.
- 4) All new doors and windows shall be constructed of timber and shall be retained as such in perpetuity.
- 5) All new and replacement gutters shall be cast iron or aluminium supported on 'drive in' galvanised gutter brackets and shall be retained as such in perpetuity.
- 6) The proposed roof lights shall be of the conservation type, recessed with a flush fitting and shall be retained as such in perpetuity.