
Appeal Decision

Site visit made on 24 October 2016

by Gareth W Thomas BSc(Hons), MSc(Dist), PgDip, MRTPI

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

Decision date: 14 December 2016

Appeal Ref: APP/Z2315/W/16/3156524

Barn, Land off Extwistle Road, Worsthorne, Burnley, Lancs BB10 3PE

- 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 Monk against the decision of Burnley Borough Council.
 - The application Ref NOT/2016/0275, dated 10 June 2016, was refused by notice dated 4 August 2016.
 - The development proposed is for the change of use of existing agricultural building to a single dwelling.
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This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 07 November 2016.

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 for the change of use of existing agricultural building to a single dwelling at the Barn on land off Extwistle Road, Worsthorne, Burnley, Lancs BB10 3PE in accordance with the terms of the application, Ref 16/02072/PMBPA, dated 10 June 2016, subject to the following conditions:
 - 1) The development hereby approved shall be carried out in accordance with the following approved plans: MON/01 Dwg 01; MON/01 Dwg 02; MON/01 Dwg 03; MON/01 Dwg 04, and; MON/01 Dwg05.
 - 2) Prior to occupation of the dwelling a visibility splay shall be provided between a point 2m along the centreline of the access measured from the edge of the carriageway and a point 27m along the edge of the carriageway measured from the intersection of the centre line of the access in both directions. The area contained within the splay shall be kept of any obstruction exceeding 1 metre in height above the nearside channel level of the carriageway.

Procedural matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) require the local planning authority to assess the proposed development against the criteria set out in Paragraph Q.2.1 and paragraph W, taking into account any representations
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received and having regard to the National Planning Policy Framework (Framework) as if the proposal was a planning application. Considerations under the Framework are limited to those relevant to the subject matter of the prior approval, as set out in the criteria in Paragraph W. This process has been carried out by the Council and I accept their findings in these regards.

3. As such there is no dispute between the main parties that the appeal proposal would be permitted development under Class Q of the GPDO and I have no reason to disagree. However Paragraph W of the GPDO sets out that the prior notification determination as to whether prior approval is needed must be assessed against five criteria at Q.2 (1) a) to f) inclusive.
4. The Council has not raised any concerns in relation to noise impacts, contamination or flooding risks and does not raise issues in relation to whether the location or siting of the building makes it impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouse).

Main Issues

5. From the above therefore, the main issues are firstly, whether prior approval is required as to the transport and highway impacts of the development and, secondly whether the details in relation to the design or external appearance of the building will affect the character and appearance of the area.

Reasons

6. The appeal building comprises a single storey portal frame building clad with concrete blocks and timber boarding located some 600m to the north of the small rural settlement of Worsthorne. The building has a concrete floor and is currently used for agricultural storage, including farm machinery. The site lies above a small group of buildings including listed buildings. However, they are not visible from the building itself and due to the folds in the landscape, the appeal building is not viewed in the context of the listed buildings. Having regard to my statutory duties in relation to heritage matters, I am satisfied that the appeal building does not affect the setting of the listed buildings and no harm to these heritage assets will occur.

Transport and highway impacts

7. The Council has not included transport and highway impacts in its reason for refusal; however, the officer's report covers this aspect in some depth and its decision notice indicates that prior approval would be necessary.
8. I have had regard to the consultation responses in my consideration of this appeal. The Highways Authority has acknowledged that there is potential to improve visibility for emerging drivers from the access onto the public highway by lowering the height of the wall to 900mm. The appellant has indicated that the existing vehicular entrance would be improved by lowering the height of the boundary walls, setting back the gate and introducing a permeable surface to the access track to the building.
9. It is clear that the Highways Authority is satisfied that an acceptable access arrangement could be provided that would result in improvement to conditions of highway safety. Under paragraph W(13) of the GPDO prior approval may be granted unconditionally or subject to conditions reasonably related to the

subject matter of the prior approval. I conclude that prior approval should not be withheld on the basis of transport and highway impacts of the development and accordingly a condition is attached to this decision.

Character and appearance

10. The appellant's case is that the proposed design is a direct product of the strictures placed under Part Q in terms of the building operations that are reasonably necessary and which do not include new structural elements. I agree that normally the new elements would reflect what can reasonably be achieved within these restrictions. The proposal is accompanied by structural reports that demonstrate that the building is capable of conversion but with minimal intervention that fall within the parameters set by the GPDO.
11. The proposal would see the lower external block walls rendered with the introduction of larch boarding above. The roof would be re-clad with dark grey composite sheet cladding and new windows and doors inserted into existing and new openings. The elevational treatment is simple, reflecting the existing agricultural appearance to a large degree. Although the Council suggests that the building would appear as crude and somewhat incongruous building in this setting, as the existing agricultural building exists in a similar form and appearance, it would not be possible under the permitted development regime to achieve a more traditional design solution. These are not matters for me to judge and I have determined the appeal on the basis of the planning issues involved.
12. The proposed development would generally maintain the simple form of the existing agricultural building, in what is fundamentally an agricultural setting that contains both traditional and modern buildings. Accordingly the proposal subject to the additional highways condition represents permitted development and the details in respect of determining whether the prior approval is necessary as to the design or external appearance of the building is satisfied.

Conclusion

13. For the above reasons, I conclude that the appeal should be allowed.

Gareth W Thomas

INSPECTOR