The Planning Inspectorate

Appeal Decision

Site visit made on 31 January 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 16 February 2017

Appeal Ref: APP/N2345/W/16/3161700
Carr House Farm, Preston Road, Inskip, Preston PR4 0TJ

- 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 & Country Planning (General Permitted Development) (England) Order 2015.
- The appeal is made by Mr William Thompson against the decision of Preston City Council.
- The application Ref 06/2016/0826, dated 25 August 2016, was refused by notice dated 11 October 2016.
- The development proposed is a prior notification submission for change of use from agricultural building to 1no. dwelling.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council do not raise any concerns in respect of Class Q.1 (a) to (g) and (i) to (m). There is no evidence before me to suggest that the proposal would not meet any of the requirements of those parts of Schedule 2, Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (GPDO). However, the Council considers that the proposal would not be permitted development in respect of Class Q.1 (h). I have therefore determined this appeal only on the basis of whether the proposed change of use would comply with the permitted development criteria set out in Class Q.1 (h) of the GPDO.

Main Issue

3. The main issue is whether the proposal would comply with the permitted development criteria set out in Class Q.1 (h) of the GPDO.

Reasons

4. The appeal building comprises a steel framed barn with partial block work walls and timber cladding that is open at either gable. The proposal would involve the construction of a first floor within the building to accommodate a 4 bedroom dwelling with a new stairwell at ground floor. The Council indicated that the resultant dwelling would have a floor area of 230 square metres at first floor and 24 square metres at ground floor, giving a total floor space of approximately 254 square metres.

5. Under Class Q.1(h) development would not be permitted under Class Q (together with any previous development under Class Q) if it would result in a building or buildings having more than 450 square metres of floorspace having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. The definition of a building in Article 2 of the GPDO includes part of a building. Therefore, it would be possible for a larger building to change use, leaving the rest in agricultural use, as long as the area changing did not exceed 450 square metres.

6. The formation of the first floor dwelling would leave a void at the existing ground level of the barn, save for the proposed stairwell, which would have hard surfacing, have large openings and have a headroom of approximately 2.6 m. The Council suggest that the combined floor area of the building following the provision of the first floor would be 536 square metres.

7. The submitted plans indicate that the ground floor void of the barn would be used as covered storage for other approved users of Carr House Farm. The Council indicate that such use would be for domestic storage associated with Class C3 (dwelling houses of the Schedule to the Use Classes Order) as planning permission has been granted for the conversion of adjacent buildings and the agricultural use is no longer occurring.

8. I have taken into account the appellant's contention that the ground floor of the building would remain unused as an open void and its ownership would not form part of the proposed dwelling. However, I also note the Council's view that the submitted plans clearly indicate that the ground floor of the converted barn would be used as covered storage for other approved users of Carr House Farm. I also agree with the Council that the ground floor would remain suitable for parking/storage given and would be bounded by proposed domestic curtilage.

9. I have no evidence to indicate whether or not the building was last in use for agriculture as part of an established agricultural unit or whether it has been, used for storage that is not for the purposes of agriculture. Nor do I have any evidence of the cumulative floor space of buildings already proposed to be converted to C3 uses. At my site visit I saw no clear evidence that the surrounding land is being used for agricultural purposes. The Council suggest that the former agricultural use is 'obsolete' although I have no evidence to indicate how this may relate to the remainder of the site.

10. If I were minded to accept the appellant's suggestion that the void would remain as unused, then it appears to me that authorised use of the ground floor would remain as agricultural. Although, given the proposed conversion of the adjacent buildings, it would appear that there is little prospect of such use being actively recommenced.

11. Despite further clarification provided to the Council by the appellant in terms of ownership of the ground floor there has been no amendment to the submitted plans on which the Council made its decision and which are relevant to this appeal. These clearly show the intended use of the ground floor is for covered storage for the other approved users of Carr House Farm, which in my view would be C3 uses.

12. I have no other evidence that would prevent the domestic use, or propose alternative uses, of the ground floor void. Moreover, the appellant's statement

clearly states that '*It is not unreasonable for the applicant here to identify that the use of the building's base area would be in connection (with) either or both of those residential uses….*'. In my view, the submitted evidence clearly demonstrates that the intended use of the ground floor is for domestic uses. Whilst this may not be associated with the proposed ownership of the first floor, it would nonetheless be for C3 uses associated with other approved development at the site.

13. Consequently, on the basis of the evidence before me, I agree with the Council that the building would have a resultant floor area having a use falling within Class C3 of approximately 536 square metres. The proposal would therefore result in a building having more than 450 square metres of floor space having a use falling within Class C3 of the Schedule to the Use Classes Order.

14. As a result of the above, I must conclude that the proposal would fail to satisfy the requirements of paragraph Q.1(h) and therefore it would not be permitted development under Class Q(a) of the GPDO.

Conclusion

15. On the basis of the evidence before me I cannot conclusively determine that the proposed change of use would be permitted development. Therefore, for the above reasons and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR