The Planning Inspectorate

Appeal Decision

Site visit made on 24 January 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 3rd March 2017

Appeal Ref: APP/R2330/W/16/3159994
Windy Harbour, Kings Highway, Huncoat, Accrington, BB5 5UX

- 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 Russell Scott against the decision of Hyndburn Borough Council.
- The application Ref 11/16/0303, dated 29 July 2016, was refused by notice dated 26 September 2016.
- The development proposed is conversion of an agricultural building to form 1 dwelling.

Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q(a) and Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the conversion of an agricultural building to form 1 dwelling at Windy Harbour, Kings Highway, Huncoat, Accrington, BB5 5UX in accordance with the details submitted pursuant to Schedule 2, Part 3, Paragraph Q.2 (1) of the 2015 GDPO through application Ref 11/16/0303, dated 29 July 2016. The approval 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 2015 GDPO and subject to the following additional condition:

    1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250; Location Plan 1:5000; Plan associated with 28 day prior notification application to convert agricultural building into 2 bed dwelling at Windy Harbour Dog Shed Kings Highway Accrington.

Procedural Matter

2. No description of development was provided in the application form. The description given above is therefore taken from the appeal form. This description is compatible with that used in the Council's decision notice.

Main Issues

3. There is no dispute that the proposal meets the requirements of Paragraph Q.1 of the 2015 GDPO and so is permitted development under Class Q, subject to the prior approval of certain matters. For permitted development under Class Q(a) and Q(b), Paragraph Q.2(1) of the 2015 GPDO requires prior approval of six matters. These are: (a) the transport and highways impacts of the

development; (b) noise impacts; (c) contamination risks; (d) flooding risks; (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); and (f) the design or external appearance of the building.

4. On the basis of the evidence submitted and the Council's reasons for refusal, the main issues are, firstly, the transport and highways impacts of the proposed change of use and, secondly, whether the location of the building would make it impractical or undesirable for the building to change to a dwellinghouse.

Reasons

Transport and highways

5. The appeal building is a timber framed structure clad with metal sheeting. It is currently utilised for the breeding and keeping of sheep dogs for use in farming. The building is accessed via Kings Highway, which is an unadopted road.

6. Kings Highway links directly to the adopted highway network via a gated entrance onto the A679. Between this junction and the entrance to a quarry, Kings Highway is tarmacked and generally wide enough to allow for two-way traffic. Beyond this point, the tarmacked road narrows to a single lane, albeit it contains a number of passing places. Finally, Kings Highway turns through another gated entrance onto a single lane section that is hard surfaced but in poorer condition. This final section leads to the appeal site.

7. The section of Kings Highway between the A679 and the gated entrance to the final, rougher, section is either of adequate width to allow for two-way traffic, or otherwise contains a sufficient number of passing places. The Council's objection relates primarily to the final, rougher, section of Kings Highway. This section is generally straight, albeit there is a bend in the road around halfway along. The Highway Authority states that the proposal would increase the likelihood of vehicular conflict, as well as conflict between drivers and users of the public right of way. However, the Highway Authority also state that the installation of 2 passing points would overcome their objection in this regard.

8. On my site visit, I noted two existing areas along the rougher section of Kings Highway where it was possible for 2 vehicles to pass one another. The first of these is located close to the bend in the road, and allows for visibility down to the gated entrance. The second is located at the entrance to the appeal site, and allows for visibility down to the bend. In my view, these passing places provide adequate opportunities for vehicles to pass one another along this part of Kings Highway.

9. In addition, given the straightness of this section of the road, drivers and pedestrians would have ample visibility of oncoming traffic, and the roughness of the surface would deter faster driving speeds. The incline of Kings Highway is also not sufficient to prejudice highway safety in my view. Furthermore, the scale of the proposed development, even in combination with the proposed conversion nearby, would not be sufficient to significantly increase traffic along this route. I further note that the proposal would involve the removal of a business use that currently generates traffic in its own right. In these

circumstances, I do not consider that any significant harm would arise in terms of conflicts between drivers and users of the public right of way.

10. I therefore conclude that the change of use would not have any significant transport or highways impacts.

11. Separately, I noted on my site visit that a passing place had been created a short distance to the north west of the appeal site. However, this is not referred to in the evidence before me, and I have no information as to whether it is lawful. Accordingly, I have not taken it into account in reaching my decision.

Location and siting

12. For the reasons set out above, the installation of additional passing points along Kings Highway is unnecessary. However, in any event I note that the majority of the rougher section of Kings Highway has banks on either side, and is flanked by a stone wall. These heavily restrict wider views of the road, and would have prevented any significant harm to the character and appearance of the area had additional passing places been required. Similarly, should future occupiers wish to resurface this section of Kings Highway this would also be largely shielded from wider views.

13. In their Appeal Statement, the Council state that the proposal would constitute an incongruous domestication of the rural landscape. However, the Council do not object to the design or external appearance of the building. I further note that the vast majority of agricultural buildings to which permitted rights have been granted under Class Q are located in rural landscapes. In this case, I do not consider that any significant harm would arise to the character or appearance of the area such that it would be impractical or undesirable for the purposes of Paragraph Q.2 (1) of the 2015 GDPO.

Conditions

14. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary to ensure certainty.

15. The Council also suggested a condition that would have required details of additional passing places to be submitted and approved. However, for the reasons already given it is not necessary to impose this condition.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR