

Appeal Decision

Site visit made on 27 February 2017

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 7 March 2017

Appeal Ref: APP/Y3940/W/16/3161463

Frying Pan Farm, Melksham Lane, Broughton Gifford, Nr Melksham, Wiltshire SN12 8LL

- 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 1995 (as amended).
 - The appeal is made by Mr RW Gale against the decision of Wiltshire Council.
 - The application Ref 16/06105/PNCOU, dated 16 June 2016, was refused by notice dated 15 August 2016.
 - The development proposed is the change of use of an agricultural building to a dwellinghouse (Class C3) and for associated operational development.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description of the proposal given in the application describes the appeal building rather than the development for which approval is sought. I have therefore used the description of the proposal as given on the heading of the application form.

Main Issue

3. The main issues are:
 - i) whether the development is one permitted by Class Q of the Order, and
 - ii) the effect of the proposal on the Frying Pan Farmhouse, a Grade II listed building and its setting.

Reasons

4. The Council contends that the proposal falls outside of the provisions of Class Q for two reasons, firstly that it involves a listed building, and secondly that, in the absence of adequate information, the works proposed are likely to fall outside of the ambit of the class.

Does the proposal involve a listed building?

5. Class Q.1(m) provides that development is not permitted if the building is a listed building. Article 2 of the Order says that "listed building" has the same meaning as in section 1 of the Planning (Listed Buildings and Conservation
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Areas) Act 1990. Section 1(5) of that Act says that a listed building means "a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and for the purposes of this Act:

(a) any object or structure fixed to the building;

(b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948, shall be treated as part of the building."

6. Frying Fan Farmhouse is a Grade II listed building, dating from the mid 18th century. The barns subject of the appeal are not separately listed. There is no dispute that the appeal buildings lie within the curtilage of the listed building, and I consider that that the physical arrangement, and the historical functional connection between the farmhouse and the barns is a strong one. I therefore agree that the barns lie within the curtilage of the listed building.
7. However, the appellant says "most of the buildings which relate to this appeal were developed by a previous owner of the farm, a Mr Ralph Pullen, and are all post 1948 in age with the exception of the two barns at the east end of the buildings, which are pre-1948." I am not entirely sure from this statement exactly what "the two barns at the east end of the building" comprise, but it is clear that there is some acceptance that parts of the proposal involve pre-1948 buildings.
8. From my inspection of the site, it is clear that the larger part of the most north-westerly barn proposed as Dwelling 1 is of modern construction, with steel trusses, columns and blockwork walls. The rest of the buildings, however, including part of the barn to be incorporated in Dwelling 1, are much older. Although they have all been altered with modern adaptations, the rear walls, and some other parts, are constructed in stone, and roof timbers have been hewn by hand, rather than by machine. Thus, on the basis of what I saw and from my experience, I judge that all of the proposed dwellings would involve at least part of a pre-1948 building.
9. I am therefore satisfied that the proposal involves a building within the curtilage of a listed building and which forms part of the land and has done so since before 1 July 1948, and is thus, in the terms of the Order, a listed building. It follows that the proposal is not permitted development as it would conflict with Class Q.1(m) of the Order.
10. As the proposal is not permitted development for this reason alone, the appeal must be dismissed and thus there is no need for me to go on to consider the other reasons for refusal or the merits of the application.

JP Roberts

INSPECTOR