
Appeal Decision

Site visit made on 8 August 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 15 September 2017

Appeal Ref: APP/M0933/W/17/3175527
Thompson Fold, Lupton, Carnforth LA6 2PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval to grant prior approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
 - The appeal is made by Mr Ray Griffin and Mr Graham Kilner, R T Griffin Ltd, against the decision of South Lakeland District Council.
 - The application Ref CU/2016/0013, dated 3 November 2016, was refused by notice dated 16 December 2016.
 - The development proposed is change of use of agricultural building to three dwellings.
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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) Order 1995 (as amended) (GPDO) for the change of use of agricultural building to three dwellings at Thompson Fold, Lupton, Carnforth LA6 2PP in accordance with the details submitted pursuant to Schedule 2, Part 3, Paragraph W(2) of the GPDO.

Main Issue

2. The main issue is whether the development would be permitted development under the provisions of paragraph Q.1 of Class Q of the GPDO, and whether prior approval should be granted.
3. As operational works are required, I have determined the appeal on the basis that it seeks prior approval under Class Q.(a) and (b).

Reasons

4. The regulations allow for building operations which are 'reasonably necessary' to convert the building. Development is not permitted where works would consist of operations other than the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services which are reasonably necessary. Partial demolition may also be carried out if it too is reasonably necessary to carry out these operations.
5. It has been demonstrated that the building is structurally strong enough to take the loading that would come with the proposed external works. In order to form three dwellings, it would be necessary to form new partition walls. New ceilings would also be required, as the building is too large to leave new rooms open to the existing roof. The existing floor slab would be retained and

- cavity walls would be built. The building would be insulated. These works would be reasonably necessary for the conversion of the building for habitation.
6. Externally, the existing asbestos roof covering would be replaced with steel sheeting which would fall within the replacement of roofs under (aa). The insertion and alteration to openings would fall under the installation of windows and doors under (aa). Again, these are all operations that it would be reasonable to undertake in converting the shed to the proposed dwellings. They all fall within the categories of work in Q.1 (i).
 7. Additionally, it is proposed to remove sections of the wall panelling and to construct new external walls at the front of the proposed centre and north units. The appellant states that this is for aesthetic purposes, to introduce new elements of design to the building. In considering whether these building operations would meet the reasonable necessity test, regard should be had to the guidance in paragraph 105 of the National Planning Practice Guidance (PPG).
 8. The PPG states that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling but recognises that some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. It also makes it clear that it is not the intention of the permitted development right to include the construction of new structural elements for the building.
 9. The new walls would be set within the external envelope of the shed, and so its overall form and dimensions would remain as existing. They would be self-supporting, and would not affect the existing structural elements of the building. The existing steel structure would continue to serve its purpose.
 10. The Council makes reference to the case *Hibbitt v SSCLG [2016] EWHC 2853*, stating that the appeal building would not be capable of functioning as a dwelling without the building works proposed. Whilst that is undoubtedly the case, drawing the above factors together, I am satisfied that the scope of the proposed works would fall within the parameters set out in paragraph Q.1.(i). Accordingly, I find that the proposed development is permitted by Class Q.

Other Matters

11. As the appeal building lies close to the grade II listed I have had regard to the general duty¹ regarding the setting of such buildings. Thompson Fold Farmhouse is likely to date from the early 18th century, with later additions. The appeal site is visible behind the listed building in views along the access track from the main road. However, changes to the proposed north elevation of the barn would be relatively small, and would not adversely affect the setting.
12. The barn also appears in longer views towards the listed building from the main road. However, the barn sits in the background, and does not dominate these views. Whilst there would be changes to the materials and the appearance of the frontage of the barn, these would be less apparent at a distance, and so would not unduly harm the setting of the listed building. I therefore conclude that the statutory duty would be satisfied in this instance.

¹ Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

13. I have had regard to the letter of objection that has been received, raising general concerns regarding the proximity of the appeal site to the listed building. However, in view of the lack of detail on this matter, this representation has not led me to a different conclusion.

Conditions

14. In granting approval the appellant should note that the GPDO requires at Paragraph Q.2(3) that the development must be completed within a period of three years starting with the prior approval date. A number of other conditions apply to such development, including paragraph W(12) of the GPDO which requires that the conversion is carried out in accordance with the details provided in the application. No other conditions have been suggested, and I consider none are necessary.

Conclusion

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

Elaine Gray

INSPECTOR