



Appeal Decision

Site visit made on 5 November 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2019

Appeal Ref: APP/A2335/W/19/3235671

**Keer Holme Barn, Keer Holme Lane, Capernwray, Lancaster, Lancashire
LA6 1AW**

- 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 T A Askew against the decision of Lancaster City Council.
 - The application Ref 19/00014/PAA, dated 4 January 2019, was refused by notice dated 21 February 2019.
 - The development proposed is described as the 'conversion of existing barn adjoining Keer Holme Farmhouse to a 3 bed dwelling'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr T A Askew against Lancaster City Council. This application is the subject of a separate Decision.

Main Issue

3. Class Q (a) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) permits the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. Class Q (b) of the GPDO permits building operations reasonably necessary to convert the building referred to in (a) above.
4. The main issue in this appeal is whether the proposal would accord with Class Q (b), having particular regard to the limitations set out in Q.1(i) which stipulates the type of building operations that are permitted.

Reasons

5. The appeal site includes two agricultural buildings as part of a wider grouping of buildings that constitute Keer Holme Farm. The first building is a two storey traditional stone-built barn with slate roof, attached to the existing farmhouse to the northwest. The second building is a more modern single storey agricultural building which adjoins, at a right angle, to the rear of the stone barn. It is constructed from a mix of brick and blockwork elevations, with corrugated fibre sheeting which provides a dual pitch roof.

6. Paragraph Q.1(i) clarifies that development is not permitted if:

The development under Class Q(b) would consist of building operations other than-

(i) the installation or replacement of-

(aa) windows, doors, roofs or exterior walls, or

(bb) water, drainage, electricity, gas or other services,

to the extent reasonably necessary for the building to function as a dwellinghouse; and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1 (i)(i).

7. There is some ambiguity over the extent of the proposed demolition of the second building. The appellant's Planning Statement stipulates that, with regard to the second building, *"It is proposed to remove a section of this building (of a similar footprint to the ground floor of the barn) to create a small private amenity space for the new dwelling"*. However, the dashed outline of this building on the proposed Site Plan appears to indicate its total demolition. Either way, at least approximately half of this building is to be demolished as part of the proposal. Given that the second building is not insignificant in size, having a footprint broadly similar to that of the first building which forms the basis of this appeal, I consider this to be a substantial demolition. I accept that partial demolition can involve the removal of sections of wall to provide openings for new windows and doors as specified in Q.1(i)(i), but not, as in this case, the substantial demolition of a separate building that does not form part of the conversion.
8. Furthermore, the demolition of the second building is not reasonably necessary to facilitate the insertion of windows and a door into the appeal building, as the building could still function as a dwellinghouse without these insertions as it would retain a dual aspect. The proposed works therefore fail to comply with paragraph Q.1(i) in this respect also. I also note that it is not a requirement of Class Q to provide private amenity space.
9. The appellant has drawn my attention to what he considers to be a similar development that was granted Prior Approval by the Council under Class Q, subject to conditions which required the demolition of other buildings¹. I accept there are some parallels between that proposal and this appeal. However, the Council's approach in that case does not change my view with regard to the main issue in this appeal.
10. For the reasons set out above, I conclude that the proposal would go beyond the building operations reasonably necessary to convert the building to a dwellinghouse, contrary to Class Q (b) and paragraph Q.1(i). Consequently, the appeal should fail. Given my findings, it is not necessary to address the other concerns that have been raised by the Council in relation to the prior approval matters under para Q.2 of the GPDO which include highway matters. This does, however, form part of an associated costs Decision.

Jeff Tweddle

INSPECTOR

¹ LPA Reference 18/01186/PAA