
Appeal Decision

Site visit made on 16 December 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2020

Appeal Ref: APP/A0665/W/19/3238278

Hills Farm, Barbers Lane, Antrobus CW9 6JT

- 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 (as amended).
 - The appeal is made by Mr B Maddock against the decision of Cheshire West & Chester Council.
 - The application Ref 19/01862/PDQ, dated 10 May 2019, was refused by notice dated 3 July 2019.
 - The development proposed is conversion of an agricultural barn to C3 use – 2 residential units.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As the application form did not include a description of development, I have based the description in the banner heading above on that used in the Council's decision notice and in the appeal form.

Main Issue

3. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Reasons

4. Schedule 2, Part 3, Class Q of the GPDO 2015 permits development consisting of a 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 (dwelling/houses), subject to the proposal complying with other requirements set out in the GPDO. The Council refused the application on the basis that the scale of building operations required to convert the barn into two dwellings would go beyond what would sensibly or reasonably be described as conversion, and that the proposal was therefore excluded from being permitted development by the requirements of Paragraph Q.1.(i).
5. However, before the individual merits of a proposal under Class Q can be evaluated it is necessary to determine whether or not it is permitted development. Paragraph X provides interpretation for Part 3 in which 'curtilage' means, for the purposes of Class Q, R or S only, (a) the piece of land, whether

- enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser.
6. The submitted application drawings include a location plan showing the barn which it is proposed to convert surrounded by a red line boundary encompassing land on all four sides, as well as a second barn which is proposed to be demolished. I take this red line as showing the curtilage of the intended change of use. From the information provided, the barn which the appellant wishes to convert to residential units has a footprint of some 200m². While no measurement is provided for the area within the red line boundary, from the submitted drawings this curtilage is clearly considerably larger than the area occupied by the building proposed for conversion.
 7. While the area of curtilage might be amended to be no greater than the area of the building, it is not the purpose of the appeal process to evolve a scheme. It is also important that the facts before me are essentially those considered by the Council and others consulted. As a consequence, I have not sought further comment from the parties on this matter.
 8. As the curtilage is larger than the footprint of the agricultural building, the proposal does not comply with the restrictive definition set out in Paragraph X. The proposal is not therefore permitted development under Schedule 2, Part 3, Class Q of the GPDO.
 9. The Council's reason for refusal did not refer to the curtilage size of the proposed development. However, I have found that the proposal would not be permitted development under Class Q of the GPDO because it would not comply with the requirements of Paragraph X. In the light of this it is not necessary for me to consider further whether the proposal would comply with the various requirements of Paragraph Q.1, as even if I were to find compliance with these matters it would not change my conclusions as to whether the appeal scheme constitutes permitted development.

Conclusion

10. For the reasons set out above the appeal is dismissed.

M Cryan

Inspector