



Appeal Decision

Site visit made on 6 June 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th July 2020

Appeal Ref: APP/B2355/W/20/3244397

Barn 3, Gin Croft Lane, Edenfield, Bury, Lancashire, BL0 0QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, 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 Kevin Skillin against the decision of Rossendale Borough Council.
 - The application Ref 2019/0349, dated 13 August 2019, was refused by notice dated 7 October 2019.
 - The development proposed is a change of use of an agricultural building to form one dwelling with associated operational alterations.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3, Schedule 2, Part 3, Class Q(a) and Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a change of use of an agricultural building to form one dwelling with associated operational alterations at Barn 3, Gin Croft Lane, Edenfield, Bury, Lancashire, BL0 0QX in accordance with the terms of the application Ref 2019/0349, dated 13 August 2019, and the details submitted with it (including plan Refs: Site Location Plan; Proposed Site Layout Rev B).

Procedural Matter

2. A revised site layout plan was submitted with the appeal that identifies the external materials that would be used. The Council has had the opportunity to comment on this plan through the appeal process, and I do not consider that any other party would be prejudiced by my acceptance of it. I have therefore determined the appeal based on the revised plan.

Main Issues

3. The main issues are whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO'), with particular regard to:
 - (a) Whether the appeal building was last used for agriculture, and;
 - (b) Whether the works to convert the building having already commenced, thus precluding the prior notification procedure.

Reasons

Agricultural use

4. Class Q of the GPDO permits the change of use of an agricultural building to a dwelling as well as building operations reasonably necessary to convert it. In this case, there is no dispute that the building was in sole agricultural use as part of an established agricultural unit on 20 March 2013, as required by Paragraph Q.1.(a). However, the building has recently been used for temporary storage of domestic items whilst the appellant renovates a nearby property. Its south west elevation had also been infilled with a low brick and timber stud wall to facilitate this use. In this regard, it is asserted that the proposal does not relate to a building in agricultural use or last used for agriculture and it therefore does not benefit from the permitted right under Class Q.
5. At the time of my site visit, some of the works to the appeal building described by the Council had been dismantled, and only around half of the building's south west elevation was infilled. The remaining enclosed area, consisting of around half of the building, contained furniture and other domestic items. The timber stud walls were of lightweight construction and were partly clad in plastic sheeting. They were insubstantial and clearly intended to be temporary in nature. I also noted that renovation works to the nearby property that the appellant intends to occupy appeared to be ongoing.
6. In this case, the storage of domestic items within the building is low key and temporary in nature. It does not significantly affect the character of the building or its use, and the works that have been carried out could equally facilitate an agricultural use. The activities associated with the storage of domestic items are not obvious and have no materially adverse impact on any neighbouring occupier. Moreover, they do not significantly alter the perception of the building. In my view, the use of the building to store domestic items is of no real significance in planning terms and is therefore de minimis.
7. It is common ground that any change of use of the building to store domestic items does not benefit from planning permission. From the evidence before me, including emails sent by the appellant to the Council, this appears to have commenced during late 2018. Accordingly, and strictly for the purposes of this appeal decision only, it does not appear to be a lawful use.
8. Based on the submitted evidence and my own observations, and as a matter of fact and degree, I do not consider that a material change of use has taken place. Moreover, the appeal building was last lawfully used solely for agriculture in connection with an agricultural unit. The permitted development rights in Class Q therefore apply to the appeal building.

Commencement of works

9. As set out above, a number of works have been undertaken to the building to facilitate the storage of domestic items. The Council assert that these works amount to a commencement of the proposed residential conversion, which would preclude the use of the prior notification procedure under Class Q.
10. At the time of my site visit, the works described by the Council had been partly removed. However, low brick walls topped with a timber stud remained in place along part of the infilled frontage, and across the centre of the building.

In this regard, the central dividing wall is in a similar position to a wall shown on the proposed layout.

11. The appellant asserts that the position of the dividing wall is coincidental and has clarified that it is intended to replace this with a stud wall with 12mm plasterboard and skim to both sides. Similarly, the revised plan submitted with the appeal states that the south west elevation of the building would be infilled with a new stone wall incorporating a stone slips cladding system. Accordingly, no element of the recent works would be retained.
12. At the time of my site visit, it was clear that the existing timber stud walls were relatively flimsy and intended to be temporary. Similarly, the recently installed low brick walls consisted of a single skin and contained only a limited number of courses. In these circumstances, and on the balance of probabilities, I conclude that works to convert the building to a dwelling have not yet commenced. The prior notification procedure is therefore not precluded in this case.

Conditions

13. 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 GDPO.

Conclusion

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

Thomas Hatfield

INSPECTOR