



Appeal Decision

Site visit made on 22 June 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2020

Appeal Ref: APP/W4705/W/20/3250397

Greenhead Farm, Yews Green, Clayton, Bradford BD14 6PX

- 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(1) and 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 Mrs Murial Wasley against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 19/04767/PAR, dated 13 November 2019, was refused by notice dated 3 January 2020.
 - The development proposed is the change of use of an agricultural building and land to two dwellings (C3) and associated building operations.
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of an agricultural building to two dwellings (C3) and associated building operations at Greenhead Farm, Yews Green, Clayton, Bradford BD14 6PX in accordance with the application 19/04767/PAR made on 13 November 2019, and the details submitted with it, including Drawing Nos P1917PD/001, P1917PD/002, P1917PD/003, P1917PD/004, P1917PD/005, P1917PD/006 and P2935-SK01, and subject to the following condition:
 - 1) Prior to the first occupation of either dwelling hereby permitted, details of the boundary treatment for the curtilage of each dwelling shall be submitted to, and approved in writing by, the local planning authority. The boundary treatment shall be erected prior to the first occupation of each dwelling and retained thereafter.

Background and Main Issue

2. The appeal relates to an application for the change of use of an agricultural building and associated operations under Paragraphs Q (a) and Q (b) of the *Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)* (GPDO). There is no dispute between the main parties with regard to the compliance of the scheme with paragraphs Q1 (a) to (h) and (j) to (m). Based on the evidence before me and observations I made at my site visit, I have no reason to take a different view in terms of compliance with these particular paragraphs. Therefore, the focus of my determination of the appeal has been the area of difference between the parties which relates to paragraph Q.1(i).

3. Therefore, the main issue in the appeal is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO, with particular reference to the extent of the building works including new structural openings.

Reasons

4. The agricultural building that is the subject of the appeal is a relatively modern portal frame structure. At the time of my visit it was being used for agricultural storage. Three of the four sides are enclosed with the fourth being open, although a small element of the lower part of the north west elevation shares a brick and block wall with the adjacent barn. Other than this the external walls comprise pre-cast concrete panelling with timber boarding above. The roof consists of corrugated cement sheets and the floor is concrete slab.
5. It is proposed to convert the building to create 2 dwellings and an area of car parking at the end of the building that is currently open. Paragraph Q.1.(i) indicates that building operations, other than the installation or replacement of windows, doors, roofs or exterior walls to the extent necessary for the building to function as a dwelling house are not permitted.
6. The appellant has provided a Structural Inspection Report and from what I saw on my site visit, I concur with its conclusion that the existing structure is in good condition.
7. From the plans provided and the structural report the conversion of the building would require no new structural elements and is capable of conversion to residential accommodation. In addition, the existing floor, external walls and roof would be retained and so, apart from the small part of the north west elevation which shares the lower part of the wall with the adjacent barn, no rebuilding of the existing external structure would be required.
8. As a result, the works required to create the dwellings would consist of the installation of new windows and doors in what would become the front and rear elevations of the dwellings, new internal walls and insulation; party walls; and connections to services that already run to the building. The appellant's evidence states that the internal and party walls can be constructed without the need for any additional structural members.
9. The Planning Practice Guidance¹ indicates that internal works are not generally development and that for the building to function as a dwelling it may be appropriate to undertake internal works including internal walls which are not prohibited by Class Q. Thus, the proposed internal walls and insulation which would be built on the current floor slab would not fall outside of the building works allowed by the GDPO.
10. In my opinion the nature of the external works required to convert the building would comply with the specified works in paragraph Q.1.(i) of the GPDO. The works are reasonably necessary for a residential conversion and the cumulative works would not constitute rebuilding so as to fall beyond the scope of a conversion permitted under Class Q.

¹ Paragraph: 105 Reference ID: 13-105-20180615

11. Consequently, I consider that the works to the agricultural building are reasonably necessary for the building to function as a dwelling house and thus the scheme amounts to permitted development under Class Q.

Other Matters

12. The Council have provided no evidence as to whether they consider the proposal would meet the conditions set out in paragraph Q.2 of the GDPO. These are: the transport and highway impacts of the proposal; the appeal scheme's noise impacts; contamination and flooding risks; whether the location or siting of the development makes it impractical or undesirable for the use of the building to be changed; and matters of design or external appearance. Paragraph W.10(b) of the GPDO also requires the decision maker to 'have regard to the National Planning Policy Framework (the Framework)...so far as relevant to the subject matter of the prior approval, as if the application were a planning application'.
13. The dwellings would utilise the existing access onto the adjacent highway which provides access to the farmhouse and yard. From my own observations, and in the absence of any evidence to the contrary, I am satisfied that this would provide a safe and suitable access for the dwellings and the scale of development would not result in severe residual cumulative impacts on the road network.
14. The appeal building is surrounded by grazing land and other farm buildings. However, the appellant has stated that planning permission and listed building consent has recently been granted for the conversion of the listed barn into a dwelling and the demolition of the other farm buildings, other than this barn. The implementation of this permission would render the surrounding area residential rather than agricultural. Even if the surrounding land remained grazing land, the sound of livestock and any associated agricultural activity would be unlikely to cause undue noise and disturbance to future occupiers. In coming to this conclusion, I have noted that the surrounding area has a mix of residential and agricultural uses that co-exist in close proximity, as is often common in rural areas.
15. From the age of many of the surrounding buildings, it would appear that the area has been in agricultural use for a considerable period of time. Given this the appellant has suggested the likelihood of contamination is low and this has not been disputed by the Council. In the absence of any evidence to the contrary I see no reason to conclude that the development would be at risk from contamination.
16. The appellant's evidence indicates that the site is not within Flood Zone 2 or 3 and that there are no known flooding or drainage issues in the area. Consequently, there is no evidence to suggest that the proposed development would be at risk of flooding or would increase the risk of flooding elsewhere.
17. The farm forms part of the hamlet of Yews Green and is within a short distance of the settlements of Clayton and Queensbury which have a range of services and facilities. Therefore, there is nothing in the location or siting of the appeal site that makes it impractical or undesirable for the use of the building to be changed.

18. Apart from the addition of windows and doors the external appearance of the building would largely be unchanged, and it would retain much of its agricultural character and form. As such, I am satisfied that the proposal would not harm the setting of the nearby listed barn that has recently been granted permission to be converted to a dwelling or the character and appearance of the area.

Conditions

19. The GPDO attaches various standard conditions to this type of development, including that development must be completed within a period of 3 years (paragraph Q.2.(3)), and be in accordance with the approved details (paragraph W(12)(a)).
20. The GPDO also indicates that conditions reasonably related to the subject matter of the prior approval can be imposed (paragraph W(13)). I have assessed the Council's suggested condition on this basis and the tests for conditions set out in the Framework.
21. In order to protect the surrounding Green Belt from encroachment a condition to ensure adequate boundary treatment is provided around the curtilage of the dwellings is necessary. However, I have amended the wording to ensure preciseness and enforceability. As matters of design and external appearance are one of the assessment issues, I consider this is reasonably related to the prior approval.

Conclusion

22. For the reasons set out above I conclude the appeal should be allowed.

Alison Partington

INSPECTOR