



Appeal Decision

Site visit made on 7 September 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2020

Appeal Ref: APP/W4705/W/20/3254772

Agricultural Building off Tarn Lane, Laycock, Keighley (Easting: 403386, Northing: 441764)

- 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 Declan Leonard against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 20/01389/PAR, dated 8 April 2020, was refused by notice dated 29 May 2020.
 - The development proposed is conversion of agricultural building south of Tarn Lane to single dwellinghouse.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Declan Leonard against City of Bradford Metropolitan District Council. This application is the subject of a separate Decision.

Main Issue

3. The appeal relates to an application submitted pursuant to Class Q(a) and (b) of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). The only matter in dispute, is that in the LPA's view the siting of the building is such that it is undesirable for the building to change use to a dwelling. In doing so, the LPA consider that the proposal does not comply with paragraph Q.2(1)(e). I have dealt with the appeal on this basis.
4. The main issue is whether the location or siting of the appeal building makes it undesirable for the building to change from agricultural use to a dwelling, with particular regard to the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. Despite being close to settlements, the area has a dramatic and attractive rural character with the topography affording wide ranging views over the rolling upland landscape. The appeal building is a prominent, isolated structure sitting comfortably in this setting with its simple agricultural character.

6. Although the parking and garden would be located to the south of the building, on the lower ground level it would still be prominent from the road and nearby footpath. The domestication of this land and its use as garden curtilage, would result in potentially parked cars, garden furniture, formal planting and means of enclosure, garden ornaments and play equipment.
7. I have no reason to consider the conversion of the building as being impractical. However, even with management of the entrance gate and surface treatment, there would be an incremental domestication of the access from the formalisation of the access point onto the highway and its functional use serving a domestic property.
8. Light spill from the building would be evident despite most windows being on the least visible elevation. As an agricultural building some light spill can be expected, however the extent and nature would take a different nuance and not be to the same extent as that associated with a domestic use.
9. Although the proposal minimises openings on elevations visible to the public, the combination of the above elements, in this particular isolated and exposed location, would have an unacceptable urbanising effect on this landscape.
10. In reaching this conclusion, I recognise that the context of the permitted development right conferred by Class Q, is such that it is to be expected that buildings will be in a rural setting. Moreover, the examples in the Planning Practice Guidance (the PPG) for what is meant by 'undesirable' do not include the impact on the character and appearance of the surrounding landscape.
11. However, in my view, the list within the PPG is not a closed list and a degree of planning judgement is required. In line with the findings of the previous Inspector who considered a prior appeal on this site, this can include an assessment against the provisions of the National Planning Policy Framework (the Framework), which, amongst other things, recognises the intrinsic beauty of the countryside (paragraph 170).
12. For the reasons outlined above, the proposal would be contrary to the provisions of the Framework. It would result in unacceptable harm to the character and appearance of the surrounding area. As such, the siting and location of the appeal building makes it undesirable for it to change from an agricultural use to a dwelling.

Other Matters

13. The curtilage on the plans determined by the Council is larger than the footprint of the agricultural building and would not comply with the restrictive definition set out in Class Q (a) Paragraph X of the Order. The appellant has submitted an amended plan during the appeal process which shows a reduced curtilage. Although it is not the purpose of the appeal process to evolve a scheme, given my findings on the main issue and as I am dismissing the appeal on other grounds, I have not pursued this matter any further.

Conclusion

14. For the reasons outlined above, the appeal is dismissed.

Robert Walker

INSPECTOR