



Appeal Decision

Site visit made on 24 May 2021

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th May 2021

Appeal Ref: APP/B2355/W/20/3260238

**Higher Mount Pleasant, Sand Beds Lane, Off Gincroft Lane, Edenfield
BL0 0GQ**

- 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 Mr D Carloni against the decision of Rossendale Borough Council.
 - The application Ref 2020/0357, dated 28 July 2020, was refused by notice dated 28 September 2020.
 - The development proposed is the change of use of an agricultural building used in connection with an existing agricultural unit to 4 dwellings plus associated operational development.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr D Carloni against Rossendale Borough Council. This application is the subject of a separate Decision.

Background and Main Issues

3. 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 parties with regard to the compliance of the scheme with paragraph Q1 of the GPDO and therefore that the proposal constitutes permitted development. Based on the evidence before me and observations I made at my site visit, I have no reason to take a different view in this regard.
4. Paragraph Q2 of the GPDO sets out the matters that are to be considered when determining an application for prior approval under Class Q. The Council's reasons for refusal relate to three of these. Therefore, the main issues in the appeal are whether or not prior approval should be granted having regard to:
 - the transport and highway impacts of the development;
 - whether the location or siting of the building makes it otherwise impractical or undesirable for the building to be converted; and
 - the design and external appearance of the building.

Reasons

5. Paragraph W.10(b) of the GPDO 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'. I have determined the appeal accordingly, giving substantial weight to the *Planning Policy Guidance* (PPG) which provides the most up to date guidance on the interpretation of Class Q.

Transport and highway impacts

6. The appeal relates to a relatively modern detached agricultural barn, that is situated to the side of an existing farmhouse. Although vehicular access exists to the property and the barn, this is by way of an unlit single carriageway track that is approximately 2.25km long and which only has a limited number of passing places. The uneven surface of the track and the sharp inclines make it a difficult road to negotiate. Moreover, whilst at points forward visibility along the road is good, in other places it is much more limited.
7. For some of its length the track also serves another property, but for the rest it serves only the host property. The route is also a public footpath and although only a snapshot in time, from observations on my site visit, it appeared to be a popular route with walkers. Due to the limited number of properties it serves, traffic flows along the road are currently limited. Nonetheless should two vehicles meet, which I observed occurring during my site visit, it can require one vehicle to reverse for some distance to find a suitable passing point. In addition, pedestrians are required to move onto sometimes narrow grass verges to enable cars to pass.
8. Whilst the traffic movements associated with an additional 4 dwellings may in themselves be small in number, in this case, given the limited number of properties currently served by the track, it would still represent a significant and material increase in traffic utilising the route. The appellant has suggested that the scheme would result in less agricultural traffic along the route. However, whilst the barn would no longer be used for agricultural purposes there is no indication that this would result in any changes in how the surrounding agricultural land would be used. As such, I am not persuaded that the amount of agricultural traffic using the track would alter significantly and overall, the proposal would result in a considerable increase in the volume of traffic movements along the access road.
9. Given this, notwithstanding the fact that the accident record for the area shows no collisions and the nature of the road means vehicles generally travel slowly, in the light of the inadequacies in the road outlined above, I consider that the dwellings would not be provided with a safe and suitable access.
10. Consequently, the proposal would have adverse highway and traffic impacts and the proposal fails to comply with the requirements of Class Q in this regard.

Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to be converted

11. Neither the GPDO nor the PPG define the terms 'impractical' or 'undesirable', but the PPG states¹ that the decision maker should apply a "reasonable ordinary dictionary definition". It indicates that impractical reflects that the location and siting would 'not be sensible or realistic', and undesirable reflects that it would be 'harmful or objectionable'. Examples of what these might mean are given in the PPG, but they are not a closed list.
12. The reason for refusal indicates that the location would be undesirable due to its isolated location from day to day services and as a result of the limited amount of outdoor space to be provided for each dwelling
13. The PPG makes clear that the Class Q permitted development right does not apply a test in relation to the sustainability of a location². It states that this is deliberate as the right recognises that many agricultural buildings will not be in settlements and may not be able to rely on public transport. In the light of this, I do not consider that the distance the dwellings would be from services would make the location undesirable.
14. Each dwelling would be provided with a small garden area to the rear. Whilst I note the Council's concerns regarding the adequacy of this for the size of houses proposed, the amount of outdoor space that can be provided for dwellings created under Class Q is specifically limited by paragraph X of the GPDO. This means that the amount of garden space that can be provided is restricted to being very modest in size.
15. The garden areas would be of a sufficient size to allow a limited range of outdoor activities to take place and would not be significantly larger even if a smaller number of dwellings were proposed to be created from the conversion of the barn. Furthermore, whilst the Council have suggested that the gardens would be smaller than they would normally expect, given the site is surrounded by open fields and that the occupiers would have immediate access to an extensive local public footpath network, I consider the gardens would be adequate in this case.
16. Therefore, whilst I have had regard to paragraph 127 of the Framework and its requirements for developments to provide a high standard of amenity for existing and future users, I consider the outdoor space would be acceptable.
17. Thus overall, I am satisfied that the location and siting of the building do not make it impractical or undesirable for conversion and so in this regard the proposal would accord with the requirements of Class Q.

Design and external appearance

18. The barn is a relatively modern agricultural building with blockwork walls and a corrugated mineral fibre roof. It has a functional, utilitarian design with a large opening at one end of the south facing elevation and smaller openings on other elevations. Buildings in the surrounding moorland are limited and due to this, the barn is a prominent feature and it is clearly visible from a number of the nearby footpaths.

¹ Paragraph ID 13-109-20150305

² Paragraph ID 13-108-20150305

19. The proposed conversion would see the lower part of the walls rendered and the upper part clad in timber, whilst retaining the existing roofing material. I accept that such materials are typical of agricultural buildings. However, the proposal would introduce a number of windows and doors on all elevations. Whilst it is stated that these have been kept to a minimum in designing the scheme no attempt seems to have been made to utilise or incorporate any of the existing openings in the building which would help to retain its character. Moreover, their domestic character would sit uncomfortably with the agricultural form of the building which would be to the visual detriment of both the building and the surrounding area. The close proximity of the barn to the adjacent footpath would only serve to exacerbate this harm.
20. As such, as I consider that the design and external appearance of the proposal would be unacceptable it would fail to comply with the requirements of Class Q in this regard.

Other Matters

21. The appellant has stated that the Council cannot currently demonstrate a 5 year housing land supply and has had to prepare and publish a Housing Delivery Action Plan. Whilst the Framework seeks to significantly boost the supply of housing, this is dealt with by the regulations which are generally permissive of this kind of development. The regulations stipulate that in determining such applications, decision makers can only consider a narrow set of criteria. Given this, although the proposal would make a small contribution to the supply of housing in the area this is not a matter that is material to my decision.

Conclusion

22. Although I consider that the siting and location of the proposal of the building do not make it impractical or undesirable for conversion, I have concluded that the proposal fails to comply with the requirements of Class Q in respect of both highway and transport matters and the design and external appearance of the building. For these reasons I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR