



Appeal Decision

Site visit made on 4 January 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2022

Appeal Ref: APP/C2708/W/21/3283504

Cowloughton Farm, Park Lane, Cowling, Keighley BD22 0NL

- 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) (GPDO).
 - The appeal is made by TM and MA Harrison against the decision of Craven District Council.
 - The application Ref 2021/23115/AGRRES, dated 7 July 2021, was refused by notice dated 3 September 2021.
 - The development was described as proposed change of use of agricultural building to residential use at Cowloughton Farm, Cowling. The design proposed several window openings on all elevations of the proposed dwelling with windows into all habitable rooms.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal follows a recently granted prior approval application for a similar scheme¹. The appellant seeks to enlarge two of the windows on the north west elevation to increase the amount of natural light entering the dwellinghouse due to the nearby trees.
3. The main issue is whether the proposal would comply with the description of permitted development under Schedule 2, Part 3, Class Q of the GPDO, with particular regard to whether the extent of the building operations proposed would be reasonably necessary for the building to function as a dwellinghouse and, if so, whether or not prior approval is required having regard to the design or external appearance of the building.

Reasons

4. Class Q of the GPDO allows for a change of use of a building and any land within its curtilage from a use as an agricultural building to a dwellinghouse including building operations reasonably necessary to convert the building.
5. The Council's main concern relates to the proposed windows on the north west elevation. Paragraph Q.1(i) allows for the installation or replacement of windows to the extent reasonably necessary for the building to function as a dwellinghouse.

¹ 2020/21881/AGRRES

6. The north west elevation of the existing building currently contains a small opening. The proposed open plan living/ kitchen/ dining room would be served by three substantial windows and a smaller window. Two of the proposed windows on the north west elevation would be significantly larger than those previously granted. Class Q has been updated since the previous scheme was determined by the Council. Paragraph Q.2(1) now includes a determination as to whether prior approval will be required for the provision of adequate natural light in all habitable rooms of the dwellinghouses.
7. The enlarged windows would serve a main habitable room and I observed on my site visit that there are trees close to the appeal site. Nonetheless, based on the evidence submitted, the size and number of the windows serving this room would be excessive and therefore not essential. Thus, the windows serving the open plan living/ kitchen/ dining room would not be reasonably necessary for the building to function as a dwellinghouse. Smaller windows, such as those originally proposed, would be sufficient for the building to function as a dwellinghouse. Based on the information before me, I am satisfied that the approved scheme would provide adequate natural light entering the dwellinghouse and the updated GPDO does not alter my findings above.
8. Consequently, I conclude that the extent of the building operations proposed are not reasonably necessary for the building to function as a dwellinghouse and thus go beyond those permitted under Class Q. The proposal would therefore not comply with the description of permitted development under Schedule 2, Part 3, Class Q of the GPDO. With this in mind, it is not necessary for me to make a determination of whether prior approval is required for the design or external appearance of the building under paragraph Q.2(1)(f).

Conclusion

9. For the reasons given above the appeal should be dismissed.

L M Wilson

INSPECTOR