



Appeal Decision

Site visit made on 14 June 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2022

Appeal Ref: APP/Q4625/W/22/3292302

Hollybush Farm, Holly Lane, Balsall Common, Solihull CV7 7EB

- 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 (as amended).
 - The appeal is made by Mr Paul Farmer against the decision of Solihull Metropolitan Borough Council.
 - The application Ref PL/2021/02724/PNCUDW, dated 5 October 2021, was refused by notice dated 23 December 2021.
 - The development proposed is described as “conversion of Barn A into a modest dwelling – please see attached drawings”.
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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 from an agricultural building to a dwelling house at Hollybush Farm, Holly Lane, Balsall Common, Solihull CV7 7EB in accordance with the terms of the application, Ref PL/2021/02724/PNCUDW, dated 5 October 2021 and the details submitted with it.
2. It should be noted that Paragraph Q.2(3) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO) requires the development to be completed within a period of three years starting with the prior approval date. Paragraph W(12) of the GPDO requires the development to be carried out in accordance with the details provided in the application.

Preliminary Matters and Main Issue

3. The description of development in the header above is taken from the application form. In my decision, I have used the description from the Council’s decision notice and the appeal form as this more clearly describes the proposal. As it is used by both main parties, the use of this revised description would cause no prejudice or injustice.
4. As well as a change of use, the appeal plans indicate alterations to the building. In addition, they show a defined ‘residential curtilage’ associated with the proposed dwelling. My assessment is based upon the submitted plans and so I have considered the development as including a change of use of the building and the defined land to a dwellinghouse as well as alterations to the building.

5. Subject to various clauses and limitations, Class Q, Part 3 of Schedule 2 (Class Q) of the GPDO permits the change of a building and land within its curtilage from an agricultural use to a dwelling as well as operations reasonably necessary to convert the building. However, an application must be made prior to the commencement of development as to whether approval is needed in respect of a number of identified issues.
6. In this case, the Council has determined that prior approval is required and should be refused on a single issue. In light of the refusal reasons, the main issue with this appeal is whether the location of the subject building would make it impractical for the proposed development, having particular regard to accessibility.

Reasons

7. The subject building lies in a grass field. However, it is close to the field boundary where it adjoins the garden to the dwelling at Hollybush Farm. On my visit I saw a paved footway leading from a parking area to the front of the house to a patio that extended to the boundary with the field. A gate in the boundary fence provides access onto the appeal site. The parking area, path and patio all fall outside the defined appeal site boundary. Even so, from my observations, I am satisfied that there would be no obstacle to prevent pedestrian movement to and from the proposed residential curtilage.
8. Furthermore, the proposed curtilage includes a short strip of land that would connect to the gate in the boundary fence. On my visit, I saw that the land between the gate and the subject building was grassed rather than hard surfaced. Even so, the grass was mowed and so the lack of paving did not significantly hinder my access to the building.
9. A paved path between the gate and the proposed dwelling would be useful in allowing easier and safer pedestrian access. No such feature is proposed as the provision of new hard surfacing is not permitted under the terms of Class Q. However, in light of the short distance, it would still be fairly easy to access the dwelling even if a path was not provided. For example, the access route could be kept mowed or moveable mats or tiles laid to provide a safe surface to walk upon. Consequently, I find the proposed development would be sited to allow realistic access to occupiers and visitors.
10. Appeal reference number APP/Q4625/W/20/3259127 relates to a similar development to the same building. This appeal was dismissed on the basis that there would be no form of access to the site, so making its location impractical for a dwelling. However, reference is made in that decision to the proposed curtilage extending some distance away from the building. The Inspector found that the extent of the access as shown could not be incorporated as part of the proposed curtilage due to the definition of curtilage at paragraph X in Part 3 of Schedule 2 to the GPDO (paragraph X).
11. The scheme before me is different in that the defined residential curtilage is restricted to the part of the field beside and around the building. The Council has not sought to dispute that the extent of the curtilage fails to comply with the definition at paragraph X. As such, I am not bound to arrive at the same conclusion as the previous Inspector.

12. For the above reasons and having particular regard to accessibility, I conclude that the location of the subject building would not make it impractical for the proposed development.

Other Matters

13. The Council raises no concerns that the proposal would fail to meet any of the clauses or conditions as set out under Class Q. There is no substantive reason to find that the building was not in agricultural use on 20 March 2013 as stipulated under Class Q. Also, the extent of the alterations that affect the external appearance of the building are allowed under the Class Q permitted development rights. As such, objections raised in these regards fail to affect my overall conclusion.

Conditions and Conclusion

14. The Council have suggested no conditions over and above those laid out under Class Q. As such, I find no need to impose any additional conditions.
15. For the above reasons, I find no grounds to refuse prior approval. Therefore, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR