



Appeal Decision

Site visit made on 6 December 2022

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2022

Appeal Ref: APP/W0530/W/22/3303443

Enterprise Nurseries, Ely Road, Landbeach, CB25 9NN

- 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 R of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr James Crickmore (Grasshopper Park Ltd) against the decision of South Cambridgeshire District Council.
 - The application Ref 22/00082/PRIOR, dated 23 December 2021, was refused by notice dated 7 March 2022.
 - The development proposed is conversion of existing glasshouse/barn to a 6 bedroom motel.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for change of use of a building and any land within its curtilage from a use as an agricultural building to a range of flexible uses subject to limitations and conditions. One such use is class C1, which is the proposal in this case (in the form of a motel). I have considered the appeal in this way.

Background and Main Issue

3. Development permitted by Class R relates to the change of use of a building and any land within its curtilage. This right does not extend to the erection of a new building.
4. The floor area of the building exceeds 150m². Development permitted by Class R is subject to the conditions in Paragraph R.3 which require that, where the floorspace exceeds 150 square metres, the developer must apply to the local planning authority for a determination as to whether prior approval is required as to specified impacts before beginning the development.
5. Therefore, the main issues are whether the proposal would be permitted development under Schedule 2, Part 3, Class R of the GPDO and, if so, whether prior approval should be granted.

Reasons

Whether permitted development

6. The building subject of the appeal is a glass house supported by a lightweight metal frame sitting on a concrete base. The building contains glazing on all sides and part of the front and rear elevations incorporate blockwork and timber cladding.
7. The permitted development (PD) right under Class R does not include associated operational development that would be reasonably necessary to facilitate the change of use. Therefore, the PD right under Class R is restricted to the change of use only and, if agreed, any subsequent physical works are then to be the subject of separate consideration as part of a planning application. The appellant states that a reasonable proportion of the existing structure can be retained, and the proposal does not amount to a total rebuild.
8. Notwithstanding the above, the Council states that the developer has provided insufficient information to establish whether the proposal amounts to a change of use or the erection of a new building. Therefore, it is stated that the proposal conflicts with Part W (3)(b) of the GPDO which sets out that the local planning authority may refuse an application where the developer has provided insufficient information to establish whether the proposed development complies with any conditions, limitations or restrictions applicable to the development in question.
9. The proposal is not supported by a structural report and at my site visit I observed that the building appeared to be in poor condition. Based on the information submitted and my observations on site it appears that the proposal would necessitate substantial alterations to the building including structural alterations and the replacement of the roof and walls. There is no information regarding whether the supporting structure would be strong enough to take the external wall and roof loads that would be necessary to provide for the proposed use. Thus, there is insufficient information to establish whether the proposal could be carried out without considerable alterations which would amount to a complete rebuild. It therefore follows that there is insufficient evidence that the proposals would benefit from the PD rights under Class R of the GPDO.
10. In reaching the above findings I have taken into account an appeal decision¹ for a change of use under Class R PD rights in which the Inspector concluded that operational development reasonably necessary to use the land or building for the proposed use is required to be the subject of a separate planning permission. Therefore, he concluded, it was not necessary to consider the extent of such alterations as part of a prior approval application. However, in that case the Council did not object on grounds of the adequacy of information to assess the proposal. Furthermore, the Inspector noted that the proposal was supported by structural reports and found that the building was structurally in good condition. Thus, he concluded that it was capable of accommodating an alternative use. Therefore, that proposal was supported by sufficient information to establish whether it complied with the conditions, limitations or restrictions of Part R and is not directly comparable to the appeal proposal.

Prior approval

11. Given my conclusion that it has not been demonstrated that the proposed change of use would be PD under Class R of the GPDO, there is no need for me

¹ Reference APP/D0840/W/20/3254577

to consider whether prior approval would be required as it would not alter the outcome of the appeal.

Conclusion

12. For the reasons given and based upon the evidence before me, I conclude that insufficient information has been provided to establish whether the proposal is PD under Schedule 2, Part 3, Class R of the GPDO. The appeal is, therefore, dismissed.

Nichola Robinson

INSPECTOR