



Appeal Decision

Site visit made on 1 February 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th February 2023

Appeal Ref: APP/Y2620/W/22/3301044

Agricultural Barn, Oak Road, Dilham NR28 9PW

- 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 Luke Paterson of Bindwell Ltd against the decision of North Norfolk District Council.
 - The application Ref PU/21/2825, dated 21 October 2021, was refused by notice dated 17 December 2021.
 - The development proposed is 'Change of use of grain store to create 5 new dwellings'.
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Decision

1. The appeal is allowed and prior approval is deemed to be granted.

Application for costs

2. An application for costs has been made by Mr Luke Paterson of Bindwell Ltd against North Norfolk District Council. This is the subject of a separate decision.

Procedural Matter

3. I have amended the description of the development proposed to remove words that did not describe the act of development.

Reasons

4. The Council accepts that the appellant was notified of its decision after the expiry of 56 days from the date of receipt of the application. Prior approval is therefore deemed to have been granted by virtue of Paragraph W(11) of Schedule 2, Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
5. As a result, I cannot address whether the development is permitted under the GPDO, despite there being dispute between the parties as to whether the development falls within the scope of Class Q and, if it does, whether it meets the requirements of paragraph Q.1.
6. However, the development can only lawfully proceed if carried out in accordance with the submitted plans and with the conditions and limitations imposed by the GPDO. This includes the requirement at Article 3(1) that regulations 75-78 of The Conservation and Habitats and Species Regulations 2017 (as amended) are complied with. It is for the appellant to satisfy itself that the development conforms to these limitations. If it does not conform to

these provisions, the GPDO does not grant it planning permission and the proposed development will be at risk of enforcement action by the Council.

7. For the reasons set out above, I conclude that the appeal should be allowed.

J Downs

INSPECTOR