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# Appeal Decision

Site visit made on 4 July 2023

**by V Simpson BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 July 2023**

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**Appeal Ref: APP/W0340/W/22/3309916**

**Limberlost Farm, Unnamed road from Crookham Common Road to Limberlost Farm, Crookham Common, Thatcham, West Berkshire RG19 8DH**

- 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, Paragraph Q.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 – as amended.
  - The appeal is made by Mr John Thorogood against the decision of West Berkshire Council.
  - The application Ref 22/00726/PACOU, dated 18 March 2022, was refused by notice dated 6 June 2022.
  - The development proposed is described as 'Conversion of Nissen hut from agricultural to residential use'
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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 (the GPDO), for the conversion of Nissen hut from agricultural to residential use at Limberlost Farm, Unnamed road from Crookham Common Road to Limberlost Farm, Crookham Common, Thatcham, West Berkshire RG19 8DH in accordance with the terms of the application, reference 22/00726/PACOU, dated 18 March 2022, and the details submitted with it, including Drawing Nos L01B, P100C, P101A, P102A, S100, and S101.

## Application for costs

2. An application for costs was made by Mr John Thorogood against West Berkshire Council. This application is subject of a separate decision.

## Background and Main Issue

3. Subject to various conditions and limitations, Schedule 2, Part 3, Class Q of the GPDO permits the change of use of a building from use as an agricultural building to use as a dwelling, together with building operations reasonably necessary to convert the building to a dwelling. Paragraph Q.2 requires that before beginning the development, the developer must apply to the Local Planning Authority (the LPA) for a determination as to whether the prior approval of the authority will be required.
4. In so far as it is relevant to the development subject of this appeal, Article 7 of the GPDO requires the LPA to make a decision on the prior approval application

within a period specified in the relevant provision of Schedule 2, or within any longer period agreed by the applicant and LPA in writing.

5. Under paragraph W.(11)(c) of Part 3 of Schedule 2, development that is permitted by Class Q, may begin after the expiry of 56 days following the date on which an application was made for prior approval, if the LPA has not notified the applicant as to whether prior approval is given or refused.
6. Having regard to the requirements of Article 7, Class Q, and Paragraph W of the GPDO, the main issue is whether prior approval is deemed to be granted.

### **Reasons**

7. There is no dispute that the Council did not notify the appellant of their decision on the prior approval application within the 56-day period. Furthermore, the parties made no agreement in writing that the 56-day period could be extended. It therefore follows, that prior approval is deemed to be granted, and that must be my decision on this appeal.
8. I have no scope to consider the merits of the prior approval application or whether the development complies with other applicable limitations and conditions imposed on the planning permission granted via Article 3 and Class Q. However, it would be remiss if I did not inform the appellant that the development would be at risk of enforcement action if; it is begun but there is some departure from the prior approval application; it does not actually fall within Class Q; or it does not comply with the applicable limitations and conditions imposed on the planning permission. However, any such matters will be for the Council and appellant to discuss.
9. As set out above, I must conclude that prior approval is deemed to be granted in accordance with paragraph W.(11)(c) of Part 3 of Schedule 2 and Article 7 of the GPDO.

### **Conclusion**

10. For the reasons given this appeal is allowed.

*V Simpson*

INSPECTOR