



Appeal Decision

Site visit made on 3 October 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2023

Appeal Ref: APP/W2845/W/23/3316557

Poplars Farm, Cricket Field Lane, Yelvertoft NN6 6LQ

- 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, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('the GPDO').
- The appeal is made by Mr and Mrs Greenwood against the decision of West Northamptonshire Council.
- The application Ref WNDPD/2022/0045, dated 3 October 2022, was refused by notice dated 23 November 2022.
- The development proposed is described as 'Proposed conversion of agricultural building to single dwelling under Class Q, Part 3'.

Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for prior approval for change of use of agricultural building to dwelling, at Poplars Farm, Cricket Field Lane, Yelvertoft NN6 6LQ in accordance with the terms of the application, Ref WNDPD/2022/0045, dated 3 October 2022, and the plans submitted with it.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) in September 2023, replacing the version published 20 July 2021. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party has been prejudiced by my approach.
3. The submitted plans are annotated as having two front elevations. I consider that the front elevation is that which faces the courtyard and includes the doors. I have determined the appeal on that basis and treated the other 'front elevation' as annotated on the submitted plans as the rear elevation.

Background and Main Issues

4. The Planning Practice Guidance (PPG) advises that the starting point for Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) is that the permitted development rights are a grant of planning permission, subject to the prior approval requirements. Therefore, it is necessary in the first instance to determine whether the proposal falls within the scope of permitted development.

5. Class Q(a) of Part 3 of Schedule 2 of the GPDO permits the change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order (as amended). Class Q(b) of the GPDO permits building operations reasonably necessary to convert the building referred to in (a) above. The local planning authority has found that the proposed development falls within the scope of Class Q(a) and Class Q(b), I have not found anything to dispute this.
6. Where development is proposed under Class Q(a) together with Class Q(b), and found to be permitted development, it is subject to the condition under Paragraph Q.2(1) that before beginning the development, an application must be made to the local planning authority for a determination as to whether the prior approval will be required in respect of those factors. Those which are relevant to the case are (a) transport and highways impacts, (e) location or siting, and (f) the design or external appearance of the building.
7. The main issues are:
 - i) the transport and highway impacts of the development;
 - ii) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to be occupied as a dwellinghouse with regard to accessibility; and
 - iii) the design or external appearance of the building.

Reasons

Transport and Highways

8. The building proposed for conversion is part of an agricultural holding located off an existing access onto Cricket Field Lane. The track is constructed of unbound, granular material with grass verges and several passing places. It is relatively straight lane with good visibility and evidence that funds have been used to maintain it in recent years. It is therefore suitable for use by a variety of vehicles. The number of additional movements associated with the use of the building as a dwelling would be small. Consequently, any conflict with pedestrians using the access as a public right of way would be limited, even though the footpath/bridleway is well used. As users contribute to its upkeep and maintenance, there is nothing to support that the proposal would result in its condition deteriorating seriously.
9. I am therefore satisfied that the proposal would not result in any unacceptable transport highway impacts.

Location or Siting

10. The barn is located in the open countryside, some distance from the nearest settlement. I acknowledge that the future occupiers of the proposed dwelling would be likely to be highly dependent on travel by private vehicles to meet their everyday needs. However, Paragraph 108 of the PPG clarifies that there is no test in relation to sustainability of location for Class Q conversions. It is the Government's intention that distance from local services should not prevent the exercise of this permitted development right. Whilst the application of other

local plan policies would preclude a residential development in this location, that is not the case with an application for a conversion under the GDPO.

11. The appeal site is within a Special Landscape Area (SLA), as defined by the development plan, however, this designation is not one of the exclusions listed in Q.1 (k) of the GPDO which prevents prior approval. Nevertheless, the Framework states that planning decisions should recognise the intrinsic character and beauty of the countryside.
12. The building is single storey and well screened from wider views due to the presence of existing mature landscaping to its north and eastern boundaries. In addition, existing buildings are positioned within close proximity to the appeal site, forming a courtyard to the west and south of the building, which provide effective screening from wider views. Accordingly, I am satisfied that the relationship of the building to the wider landscape is such that the special qualities of the SLA would not be undermined.
13. I therefore conclude that the location or siting does not make it impractical or undesirable for the building to be used as a dwelling.

Design or external appearance

14. The barn is sited within a cluster of agricultural buildings set around a concrete yard. It is of steel portal frame construction, with elevations constructed of breeze blocks with timber above and metal sheeting to the roof.
15. The conversion would introduce new window and door openings that would significantly change the external appearance of the building. An area laid to grass to the rear of the building, with a post and rail fence to the site boundary, is currently *in situ*. Whilst the domestication of the building would introduce large areas of glazing, the building is single storey in height and would be largely screened, along with its associated curtilage from wider views by existing vegetation and buildings.
16. For the reasons stated, the design and external appearance of the building would be acceptable.

Conditions

17. Paragraph Q.2.(3) of the GPDO stipulates that development under Class Q must be completed within a period of three years from the prior approval date. A condition relating to the commencement of development is therefore not necessary. Paragraph W.(12) requires the development to be carried out in accordance with the approved details. Paragraph W.(13) enables additional conditions to be attached to grants of prior approval. The Council has not suggested further conditions and I do not consider any others would be reasonable or necessary.

Other Matters

18. My attention has been drawn to a refusal of permission under reference WND/2021/0261. From the limited information before me this case related to an outline planning application. I am therefore unable to draw any meaningful comparisons to the appeal before me. In any event, I have determined the case on its own merits.

Conclusion

19. For the reasons I have set out above, the proposed development would accord with the prior approval matters of Class Q. I therefore conclude that prior approval should not be withheld.

20. The appeal is allowed.

R Gee

INSPECTOR