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# Appeal Decision

Site visit made on 10 January 2024

**by L N Hughes BA (Hons) MSc MRTPI**

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

**Decision date: 23 January 2024**

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**Appeal Ref: APP/C2708/W/23/3323763**

**Townhead Fold, Agricultural Building, Becks Brow To Mere Syke Bridge, Wigglesworth, Skipton BD23 4RR**

- 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(1) and 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 Colin Peel against the decision of Craven District Council.
  - The application Ref 2022/24494/AGRRES, dated 17 October 2022, was refused by notice dated 15 December 2022.
  - The development proposed is prior approval notification for change of use of agriculture building to 1 no. dwellinghouse.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The National Planning Policy Framework ('the Framework') was revised in December 2023. Insofar as it is relevant, the content of the Framework has not been materially altered in respect of the main issue before me, and therefore it was not necessary to go back to the parties in this regard.

## Main Issue

3. Schedule 2, Part 3, Paragraph W of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), states that the Local Planning Authority may refuse a prior approval application where in its opinion the proposed development does not comply with, or the developer has provided insufficient information to establish whether the proposed development complies with, any conditions, limitations or restrictions specified as being applicable to the development.
4. The main issue is whether the proposed dwelling would comply with the permitted development requirements set out at Part 3 Class Q of the GPDO, with specific regard to part Q.2.(1) as to whether the development has already commenced.

## Reasons

5. The site comprises agricultural timber buildings within the open countryside. The parties dispute the inter-relationships and extent of each building. The proposal is the conversion of the building termed 'Barn 1' by the appellant, to a single storey 4 bedroom dwelling, with associated parking.

6. Class Q.(a) and (b) of the GPDO permit development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses), together with building operations reasonably necessary to convert the building to this use, subject to a number of criteria. Part Q.1. sets the circumstances when development would not be permitted. Where development complies with Part Q.1, this is subject to the conditions set out in Part Q.2.
7. Part Q.2.(1) requires that before beginning the development, the developer must apply to the Local Planning Authority for a determination as to whether its prior approval will be required for certain matters. The main parties agree that a structure on the site has been demolished, generally referred to as 'the lean-to' by the parties. However, they dispute whether the lean-to comprised part of Barn 1, and therefore whether this demolition denotes that the development has already begun.
8. I note the parties' submissions on this matter. However, my site visit also identified that Barn 1 contains the structural shell of a dwelling under construction, including walls and fenestration. Its southern and eastern elevations on view correspond with those of the dwelling which is the subject of this appeal. These elevations do not align with those of the consented dwelling from June 2021<sup>1</sup>. On the evidence before me, I therefore find that the development has commenced.
9. As such, it has not been demonstrated that the proposed change of use to a dwelling would satisfy the requirements of Schedule 2, Part 3, Class Q of the GPDO. This is with specific regard to having begun the development before gaining prior approval, and therefore it is in conflict with Part Q.2.(1). The development would not comply with the limitations and restrictions specified as being applicable, and consequently, it does not benefit from deemed permission under Class Q.
10. On this basis, it is not necessary for me to further assess whether the development also complies with the other requirements and conditions under Class Q, including with relation to the demolition of the lean-to.

### **Other Matters**

11. The appellant has explained why an amended design and layout of the previous Barn 1 consent is needed. However, the provisions of the GPDO do not allow me to take such matters into account.

### **Conclusion**

12. For the reasons given above and having regard to all other matters raised, I conclude that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO. Consequently, it is a development for which an application for planning permission would be required, and cannot be addressed through the prior approval provisions set out under paragraph Q.2.(1) of the GPDO. The appeal is therefore dismissed.

*L N Hughes*

INSPECTOR

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<sup>1</sup> Reference 2021/22891/AGRRES