



Appeal Decision

Site visit made on 12 March 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2024

Appeal Ref: APP/U2750/W/23/3333893

Clarrick Barn, Tatterhorn Lane, Ingleton, LA6 3HP

- 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) (GPDO).
 - The appeal is made by Mr M Howson against the decision of North Yorkshire Council.
 - The application Ref is ZA23/25312/AGRRES.
 - The development proposed is prior approval notification for change of use of detached barn to residential use.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description in the above banner heading has been taken from the decision notice and appeal form as this accurately describes the development.

Background and Main Issue

3. Under Schedule 2, Part 3, Class Q of the GPDO, planning permission is granted for development consisting of: (a) 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) of the Schedule to the Use Classes Order; or (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3(dwellinghouses) of that Schedule. This is subject to limitations and conditions and paragraph W (3) of the Order explains that the local planning authority may refuse an application where, in the opinion of the authority, the proposed development does not comply with any conditions, limitations or restrictions specified as being applicable to the development in question.
4. Condition 1) of paragraph Q.2 explains that where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to a number of prior approval matters.
5. The Councils' reason for refusal states that the proposal fails to satisfy the requirements of Schedule 2, Part 3, Class Q of the GDPO. The extension to the barn including the building works and the insertion of windows fails to meet the

relevant conditions, limitations and restrictions as set out in Q.2 (1) of the Order.

6. The main issue is therefore whether the proposal meets the relevant conditions, limitations and restrictions as set out in Q.2 (1) of the Order.

Reasons

7. The appeal site relates to a traditional stone barn immediately adjacent to Tatterhorn Lane to the southwest of the village of Ingleton. The barn is in a very poor state of repair with cracked walls and the roof missing for the greater part as well as collapsed internal walls and beams. Work has been carried out on the barn which is understood to have taken place in 2007. The entire north-east gable end and part of the north-west and south-east elevations have previously been taken down and re-built using a cavity wall construction of internal block work and external stone with cavity insulation. New window openings have also been added to the gable elevation and has been built approximately 1 metre from the original gable wall line increasing the length of the barn.
8. It has previously been claimed that such works were carried out to maintain and repair the barn due to its poor and unsafe condition at the time during the course of a previous application relating to the conversion of redundant agricultural barn for business use with ancillary living accommodation which was refused in 2008. However, such works could not be considered reasonably necessary for agriculture as the works including window openings and cavity wall insulation are more suited to alternative uses such as a dwellinghouse and the appellant confirms that there is no doubt that the previous owner had intentions to convert the barn into a dwelling. It is undisputed that the works were carried out long before the submission of the prior notification application and therefore fails to meet Schedule 2, Part 3, Class Q, Condition Q.2(1) which specifically explains that development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to a number of prior approval matters. In this instance, the prior notification process has not been followed.
9. The appellant refers to a letter received from Craven District Council dated 9th July 2008 in regards to a previous planning application which is claimed to have accepted that the barn formed part of an agricultural holding. Even so, the deteriorating and unstable condition of the roof demonstrates that the building has not been suitable or safe for agricultural use since the building works were undertaken. The works undertaken cannot, therefore, be considered as consistent with an ongoing agricultural use of the building and I cannot agree based on the evidence before me and my own observations on site that the use of the barn has remained agricultural since 2007.
10. I note the appellants claims that the application should be determined on the existing design and use of the barn on the 20 March 2013 not earlier taking into account the requirements of Paragraph Q.1. However, the unsuitable condition of the building has precluded an on-going agricultural use since 2007. The works undertaken are more suited to alternative uses such as a dwellinghouse and cannot be considered by their nature or by the disuse of the building since that time, to have been for agricultural purposes.

11. As the prior notification process is not applicable, no further assessment against Schedule 2, Part 3, Class Q(a) and Q(b) of the GDPO is undertaken and a potential lack of harm in relation to further matters would not alter my findings nor would any claims made relating to providing a contribution to the districts housing need or lack of enforcement action in relation to the works.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

N Teasdale

INSPECTOR