



Appeal Decision

Site visit made on 14 October 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/P2935/W/24/3348042

The Hay Barn, Twizell Farm, Kirkley, Ponteland, Northumberland NE20 0AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Mr Edward Foley against the decision of Northumberland County Council.
 - The application Ref 24/00868/AGTRES dated 14 March 2023, was refused by notice dated 9 May 2024.
 - The development proposed is notification of prior approval for change of use from agricultural building to residential.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For clarity and consistency, I have taken the date of the application above, as the date set out on the appellant's appeal form and statement as this corresponds with the date within the Council's officer report, rather than the date of 13 March as declared on the planning application form.
3. I have taken the description of the development in the banner above from that used by the Council in its Decision Notice and the appellant within their Planning Appeal Form as it was not detailed on the application form.
4. On 21 May 2024, Statutory Instrument 2024 No 579 came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the General Permitted Development Order (GPDO). Due to the transitional arrangements, I have proceeded to determine the appeal in accordance with the GPDO provisions that were in force at the time the original application was submitted. All references to the GPDO in this decision therefore relate to the version that was in force at that time.
5. Under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO development is permitted for 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) together with building operations reasonably necessary to convert that building, subject to limitations and conditions.
6. The GPDO is clear that the local planning authority may refuse an application where, in the opinion of the authority – (a) the proposed development does not comply with, or (b) the developer has provided insufficient information to

enable the authority to establish whether the proposed development complies with, the conditions, limitations or restrictions set out in paragraphs Q.1 and Q.2.

7. The Council has refused the application as it considers that the proposal does not meet the requirements of Class Q(a) in relation to the proposed curtilage. It also considers that the proposal does not meet the requirements of Q(b) and Q1(i).

Main Issues

8. The main issues are whether the proposed development would constitute permitted development in respect to Class Q(a), Q(b) and Q.1(i), and if the proposal is found to constitute permitted development, whether prior approval would be required and should be granted.

Reasons

Whether permitted development

Class Q(a)

9. The appeal building is a large rectangular-shaped agricultural building, which is supported by a double portal frame, and consists of reinforced concrete columns and reinforced concrete rafters with asbestos roof sheeting. Masonry blockwork is at the lower level on three sides with corrugated panels to the upper walls on two sides. There is also a mix of corrugated panels and wood slates to the upper wall on one side. The building sits within a segregated plot with clear demarcations between it and the surrounding land uses.
10. The proposal would see the conversion of Hay Barn to one dwelling house with associated parking and residential curtilage. Pole Barn which is attached to the west would be demolished.
11. The Council considers that the proposal would not meet the requirements of Class Q(a) in relation to the proposed curtilage and in this regard, would not be permitted development. It considers that the curtilage shown on the amended location plan is of a size larger than the area of the building.
12. Schedule 2, Part 3, Paragraph X of the GPDO defines 'curtilage' for the purposes of Class Q as: (a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser. It is a condition with which the proposed development must comply.
13. The amended Site Location Plan shows an area hatched in red, which approximately corresponds to the 'Total Area' on the amended Ground Floor Plan Proposed. This includes an area to the rear for a terrace, an area to the front for two car parking spaces with turning and an area to the side. The total area outlined in red is shown to measure approximately 542m², with the proposed total footprint of the proposed dwelling measuring approximately 170m² following the demolition of Pole Barn.
14. I note that the appellant has reduced the size of the curtilage from that originally submitted at the request of the Council and that they do not propose

a domestic curtilage larger than allowed under the GPDO. Even if a red line plan is not required to define a lawful domestic curtilage, Paragraph W of the GPDO stipulates that a plan indicating the site and showing the proposed development is required to fulfil the prior approval procedure. Given that, the proposed external space would still be significantly larger than the land occupied by the agricultural building. In this regard, the overall size of the curtilage around the building subject to the change of use would exceed the definition of curtilage for the purposes of Class Q, as set out in paragraph X.

15. For the reasons set out above and based on the information provided, the proposal would fail to meet the requirements of Class Q(a) and could not therefore benefit from a deemed permission under Class Q of the GDPO.

Class Q(b) and Q.1(i)

16. Since I have concluded that the appeal proposal is not permitted under Class Q, it is now not necessary to consider these matters further.

Other Matters

17. The Council does not indicate whether prior approval is required for the matters listed in Q.2 (1)(a) – (g). Based upon the evidence before me, and given my findings above, it does not alter the outcome of the appeal.

Conclusion

18. For the reasons given, I conclude that the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO. The appeal should therefore be dismissed.

L Clark

INSPECTOR