



Appeal Decision

Site visit made on 5 November 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 March 2025

Appeal A: APP/C3430/W/24/3345612

Brineton Court, Brineton, Shiffnal, South Staffordshire, TF11 8NQ

- 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 Liam Owen against the decision of South Staffordshire District Council.
 - The application Ref is 23/00892/AGRRES.
 - The development proposed is application for the determination of Prior Approval under Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 as amended for the change of use of an agricultural building and land within its curtilage to a use falling within Class C3 (dwelling house); and operations reasonably necessary to convert the building into domestic use.
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Appeal B: APP/C3430/W/24/3350889

Brineton Court, Brineton, Shiffnal, South Staffordshire, TF11 8NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs L Owen against the decision of South Staffordshire District Council.
 - The application Ref is 24/00056/FUL.
 - The development proposed is conversion and extension of existing agricultural building into domestic residence.
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Decisions

1. Both appeals are dismissed.

Preliminary Matters and Main Issues

2. Prior to the determination of this appeal, a new version of the National Planning Policy Framework (the Framework) has been published. The substantive matters of the case before me are not however affected thereby. I do not therefore feel any of the main parties' cases would be prejudiced by me proceeding without further consultation thereon.
3. Whilst seeking prior approval and express planning permission respectively, appeals A and B concern the same site. They have therefore been combined into the same decision, albeit considered on their own merits with regard to their specific circumstances and in regard to the following main issues. For appeal A, these are a) whether the last use of the building was solely as an agricultural use as part of an established agricultural unit; and b) whether the design or external appearance of the building would be acceptable. In regard to appeal B, the main issues are a) the effect of the proposal on the character and

appearance of the area; and b) whether the appeal site is a suitable location for residential development.

Reasons

Appeal A

Last Use

4. The prior approval was originally submitted to South Staffordshire District Council prior to the 21 May 2024 and so I have considered it under the requirements of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). Although the GPDO has been updated by Amendment Order 2024/579, as the case was submitted prior to its implementation, I have decided it on the basis of the old Class Q within the GPDO.
5. The appeal site is a building within a complex of others, some of which have been converted to residential use. It is a rectangular single storey building with a lean-to extension and a number of existing window and door openings. Part of the building is in a different ownership and used by the occupiers of Terrace Farm. The majority of the building subject to the appeal is disused, however the central part is equipped as a workshop. The appellant states that the workshop element of the building is no longer used as such. On my visit I saw work benches and equipment in the building along with domestic storage.
6. Paragraph Q.1 (a) states that development is not permitted under Class Q if the site was not solely used for agricultural use as part of an established agricultural unit on 20 March 2013 or if not in use at that date when it was last in use. From the evidence before me and my own observations I cannot be certain that the building was solely used for agricultural use as part of an agricultural unit. The barn does not, therefore, meet the requirements of Paragraph Q.1(a) of the GPDO and so does not benefit from the rights set out under Class Q.

Design and External Appearance

7. The GPDO sets out what works are covered by Class Q and these are expanded upon by the Planning Practice Guidance (the PPG). These works include new or replacement windows, doors, roofs and exterior walls to the extent they are reasonably necessary for the conversion of the building.
8. Whilst the majority of the windows and doors would utilise the existing openings and replicate the scale and proportions of them, a number of additional roof lights and one new ground floor window are proposed. Although they would have a more domestic appearance, they would still be sympathetic to the existing character and appearance of the building in terms of their size, number and location. In so being, they would respect the quality of the building as a Non-Designated Heritage Asset (NDHA).
9. The building has an existing area of private amenity space and there are no proposals to alter this. The building is also in amongst others that have been converted to residential uses. I do not therefore feel that such a space associated with the building, contextually small as it would also be, would appear unacceptably alien in its immediate surroundings. Therefore, the proposal would not harm the character and appearance of the area. The design

and external appearance of the building would therefore meet the requirements of Paragraph Q2(f) of the GDPO.

Appeal B

Character and Appearance

10. The proposal would demolish the existing lean-to extension and replace it with a larger one which would incorporate two hipped roof extensions, larger window openings and timber framed patio doors.
11. The larger expanses of glazing, modern domestic style doors and multiple extensions would pull the building unacceptably away from the character of the surrounding existing and converted agricultural buildings which, together, exude a pleasant traditional agrarian feel, reinforced by the building itself being a NDHA. The larger footprint and increase in the bulk and massing of the roofscape would also increase the scale of the building which would be at odds with the modesty of the prevailing character of the surrounding buildings and its wider countryside location.
12. The proposal would thus harm the character and appearance of the area. It would conflict with Policies EV6, EQ4 and EQ11 of the CS which together and amongst other matters seek to ensure that the form and scale of development respects the character and local distinctiveness of the area.

Appropriate Location

13. I am cognisant of the appeal scheme in this regard relating to the conversion and extension of a building in a location which, for a new dwelling, would not sit squarely with the Council's spatial strategy or settlement hierarchy. It is in an area outside of a defined settlement and does not benefit from levels of accessibility conducive to reducing reliance on the private car. That said, and following the refusal of this scheme as a planning application, a permission was granted, and is now extant, for the conversion of the building into a dwelling without any further extensions¹. It is also perhaps fair to point out that, as a conversion scheme, the proposed dwelling that would be created could not be anywhere else. The situation of the existing building is a fixed point.
14. That aside, and taking into account the above, the principle of a dwelling in the location of the appeal scheme has thus been established. Whilst, in the absence of the fallback position I have set out above, the appeal scheme would conflict with the approach of Core Policies 1 and 11 and Policy EV11 of the South Staffordshire Core Strategy 2012 (CS) which together and amongst other matters seek to ensure that development is in sustainable locations and supports sustainable travel. The fallback is a material consideration which would, in regard to this main issue, indicate a decision other than in accordance with the development plan. I shall come onto the overall effect of this below.

Other Matters

15. I note the appellant's concerns regarding the Council's handling of the application. However, this is a matter that would need to be taken up with the

¹ 24/00495/FUL

Council in the first instance. In determining this appeal, I am only able to have regard to planning merits.

16. The Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest when considering whether to grant planning permission for development which affects the setting of a listed building. I have been advised that the appeal site is within the setting of the Grade II Listed Building known as Brineton Grange Farmhouse, which derives its significance in part from its age and materials of construction.
17. There are other buildings between the Listed Building and the appeal building and therefore, taking into account the degree of separation between the asset and the appeal site I consider that the scheme would have a neutral impact on its setting and thus its significance.

Conclusions

Appeal A

18. Whilst I have found that the proposal would not harm the character and appearance of the area and the design and external appearance of the building would be acceptable, this is a prior approval matter which would be reliant on the scheme satisfying the description of permitted development set out by Paragraph Q.1(a) of the GPDO. For the reasons I have set out under that main issue, this would not be the case. The appeal should therefore be dismissed.

Appeal B

19. I have found harm and conflict with the development plan in regard to the first main issue. I ascribe these matters substantial weight particularly since they would affect a NDHA adversely, be long lasting and irreversible. There would also be conflict with the development plan on the matter of the location of the scheme alongside the settlement hierarchy and spatial strategy. The weight I would ascribe to the fallback position of the extant permission may weigh in the scheme's favour as a material consideration, but only insofar as the harm caused under the second main issue. The fallback position establishes a dwelling on the site through a conversion, not the scheme under consideration for appeal B.
20. The scheme would provide new self-contained residential accommodation and would contribute to the mix and supply of homes in the area. Due to the scale of the proposals, I would afford these matters moderate weight. With this and the above in mind, material considerations do not sufficiently point me to a decision other than in accordance with the development plan in regard to this appeal. It should thus be dismissed.

H Senior

INSPECTOR