



Appeal Decision

Site visit made on 3 December 2024

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 April 2025

Appeal Ref: APP/K0235/W/24/3347193

Brook End Farm, Riseley Road, Keysoe, Bedford MK44 2HS

- 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) (GPDO).
 - The appeal is made by F Morgan of M W & P V Ward against the decision of Bedford Borough Council.
 - The application Ref is 24/00485/CPNQ.
 - The development proposed is prior notification for change of use from an agricultural building to two dwellinghouses (Use Class C3) including associated building operations reasonably necessary to convert the building.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q(a) and Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for prior notification for change of use from an agricultural building to two dwellinghouses (Use Class C3) including associated building operations reasonably necessary to convert the building at Brook End Farm, Riseley Road, Keysoe, Bedford MK44 2HS in accordance with the application Ref 24/00485/CPNQ and the details submitted with it including plan nos 201 and 203, and subject to the conditions in the attached schedule.

Preliminary and Procedural Matters

2. On 21 May 2024, Statutory Instrument 2024 No 579 (SI) came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the GPDO. Transitional arrangements apply to applications submitted under previous iterations of the Order which was the case in this instance, and this allows for cases to be considered under the previous version. Therefore, the changes do not affect my consideration of the appeal. Consequently, I have not invited further comments from the main parties. All references to the GPDO in this decision therefore relate to the version that was in force prior to these amendments.
3. Class Q(a) of the GPDO permits 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), and under Class Q(b), building operations reasonably necessary to convert the building for that purpose. This is subject to certain criteria, and circumstances where development is not permitted which are listed under Paragraph Q.1.
4. The description of proposed works on the application form states 'Please see Planning Statement' which is wholly unclear. As such, I have used the

description of development from the Decision Notice, which was replicated on the appeal form, as the basis for the description of development in the banner header and my formal decision. However, the submitted plans clearly show that two dwellinghouses are proposed and thus in the interest of clarity I have revised the description of development to refer to two dwellinghouses.

5. The National Planning Policy Framework (the Framework) was updated in December 2024, during the consideration of this appeal. Insofar as is directly relevant to the appeal, there are no substantive changes. Neither main party were asked for their views and no parties have been prejudiced as a result.

Background and Main Issues

6. Paragraph Q.1(b)(i)(bb) of the GPDO states that development is not permitted in the case if the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres. The Council determined that the proposal would conflict with this and thus determined that the proposed development does not benefit from 'Permitted Development' under Class Q of Schedule 2, Part 3 of the GPDO. Therefore, the main issues relevant to this appeal are:
 - whether the proposed development would constitute permitted development with regards to whether the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres in accordance with paragraph Q.1(b)(i)(bb) of the GPDO;
 - if the proposal is permitted development, whether or not prior approval is required.

Reasons

Permitted Development

7. Section 2, Paragraph 2 of the GPDO states that "floor space" means the total floor space in a building or buildings. It is agreed between the parties that the appeal building has a total floor space of around 542 square metres (sqm). However, the two larger dwellinghouses that would be created by this scheme would have a floor space of around 235 sqm and 225 sqm which would be a total floor space of approximately 460 sqm. This would be below the 465 sqm limitation set out in paragraph Q.1(b)(i)(bb) of the GPDO. For the dwellinghouses to be this size, parts of the existing building would be demolished.
8. In the case at *Mansell v Tonbridge and Malling BC & Others* [2017] EWCA Civ 1314 it established that the limitations are to the floorspace of the existing buildings changing use and not on the size of the building or buildings in which the change of use occurs. The change of use is permitted to occur in only part of the building.
9. Where the parts of the building are to be demolished the walls are proposed to be removed whilst the roof would be retained. These areas would then be used as covered patio areas and would not be in the dwellinghouse's floor spaces and thus should not be included within the floor space calculations. If the occupiers sought to infill these areas in the future that would be outside of the scope of what can be considered as part of this appeal. The total floor space of

the existing building changing use to two dwellinghouses would not exceed 465 sqm and thus the scheme would comply with paragraph Q.1(b)(i)(bb) of the GPDO.

10. It is not disputed between the parties that the proposal would comply with the other paragraphs set out in paragraph Q.1 of Schedule 2, Part 3 and based on the information before me I see no reason to conclude otherwise. Consequently, the proposed development would be permitted development under Class Q(a) together with development under Class Q(b) of the GPDO.

Prior Approval

11. Where the proposed development would be permitted 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 prior approval will be required on a number of matters set out in paragraph Q.2(1) which are considered below.
12. Whilst the Council did not consider the proposal to be permitted development it nonetheless carried out an assessment of the prior approval matters set out in paragraph Q.2(1). It determined that the transport and highways impacts of the development would be acceptable and the Highways (Development Control) Officer did not object to the application subject to two conditions and based on the information before me I find no reason to conclude otherwise.
13. The noise impacts of the development, contamination and flood risks on site, and whether the location of the building makes it otherwise impractical to change from agricultural use to a use falling within Class C3 were also deemed to be acceptable subject to conditions suggested by the Council's Science Officer and advice from the Wildlife Trust for Bedfordshire, Cambridgeshire and Northamptonshire. Based on the evidence before me I find no reason to come to a different conclusion on these matters.

The design or external appearance of the building

14. To the north of the appeal site is Brook End Farmhouse which is a Grade II listed building as are a group of barns fronting Riseley Road¹.
15. As such, I have had regard to the desirability of preserving the setting of the listed buildings. The Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
16. Brook End Farmhouse is a timber framed two-storey building. The associated listed barns are brick built agricultural barns some of which have weatherboarding that have been converted to residential use. The significance of the farmhouse comes from its architectural and historic interest as an example of a vernacular farmhouse. The significance of the barns comes from their association with the farmhouse as well as their agricultural vernacular reflective of the 18th and 19th century. There is also a group value to the buildings, linked to the historic farmstead development and their historic agricultural uses.

¹ List Entry Number: 1321298 and 1137078.

17. The setting of these buildings includes the other listed buildings and nearby houses as well as the other agricultural buildings which are utilitarian in their appearance. Given the sporadic siting of dwellings nearby as well as the traditional agricultural character of the surrounding buildings, the setting of the listed buildings is rural and has an agricultural character. The historic agricultural use and appearance of the appeal building positively contributes towards the agricultural character of the heritage assets' setting.
18. The proposal includes the insertion of several windows and doors throughout the building. The change of use would also include the replacement of the large roller shutter doors with a new wall with windows and doors built into it although this would be set back from the main elevation which would partly retain the form of this opening within the building. The existing brickwork, fire cement cladding over the walls and roof would be retained or repaired where necessary whilst the proposed timber cladding would partly reflect the weatherboarding on the traditional barns nearby. The overall form of the building would mostly be retained and as such the utilitarian agricultural character of the building would be preserved.
19. The parking areas would be sited towards the front and side of the building which already has hardstanding and the reuse of this area for that purpose would maintain the existing functional character of the yard around the appeal building.
20. The converted building would be seen in the context of the agricultural buildings around the wider site that includes the barns that have already been converted. Given the intervening development between the appeal building and the listed buildings and particularly the listed barns, there is limited intervisibility between them. The converted building would retain its utilitarian agricultural character, which would preserve the agricultural character of the listed buildings setting. Additionally, the proposed residential use of this agricultural building would be consistent with other converted buildings within the rural setting of these listed buildings. Consequently, the proposal would preserve the setting of these listed buildings and thus the positive contribution the setting makes to their significance would be preserved.
21. Overall, the design and external appearance of the building would be appropriate within this context.

Provision of adequate natural light in all habitable rooms of the dwellinghouses

22. Paragraph X of Part 3 states that the term habitable room means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes. Next to the appeal building is another agricultural building and the flank wall of this is located very close to bedrooms two and three within proposed dwelling one. Given that the occupiers would use these rooms for sleeping they are habitable rooms as per Paragraph X of Part 3.
23. The windows for these rooms would be located very close to the neighbouring building and given the height of that building much of the daylight and sunlight that could reach these windows would be blocked by the building. This would lead to these habitable rooms not receiving adequate natural light.
24. The appellant has suggested that rooflights and changes to the windows to achieve adequate natural light to those rooms would be something they would

be amenable to. A negatively worded planning condition preventing occupation until the approval of a window and rooflight(s) could ensure the occupiers of those rooms would have adequate natural light. The appellant was given the opportunity to comment on the suggested condition and determined that they were satisfied that the condition complies with the tests set out in the Framework for conditions. Based on the information before me there is nothing to suggest that the works to be approved by the condition would not be feasible.

25. The red line plan has been drawn relatively tightly around the appeal site and development may take place close to the surrounding habitable rooms. However, based on what I saw at the time of my site visit the other habitable rooms would not be significantly enclosed by any buildings or structures. As such, those rooms would receive adequate natural light.
26. Therefore, for the reasons given above, subject to suitably worded conditions, none of the matters set out in paragraph Q.2 (1)(a) to (g) in the context of this appeal indicate that prior approval should be withheld.

Other Matters

27. The Waste and Recycling Officer did object to the application based on insufficient information regarding the waste storage and collection but one of the suggested conditions seeks to secure bin storage. This suggested condition could ensure there would be a secure area for waste storage on the appeal site.

Conditions

28. Paragraph Q.2(3) of the GPDO specifies that development under Class Q must be completed within a period of 3 years starting with the prior approval date.
29. Paragraph W(13) of the GPDO allows conditions to be imposed that are reasonably related to the prior approval matters. Where necessary I have amended the Council's suggested conditions to better reflect the requirements of the Framework and the Planning Practice Guidance as well as to ensure precision and brevity without changing their overall intent.
30. The Council's Science Officer has identified that the appeal site is located on land that has had a potentially contaminative land use and has suggested two conditions to mitigate for this. Consequently, conditions related to contamination are necessary in the interests of the living conditions of the future occupiers of the development.
31. A condition requiring car and cycle parking is provided on site is necessary in the interest of highway safety.
32. A condition for bin storage is necessary in the interest of the ensuring that adequate facilities are provided for the future occupiers of the dwellinghouses.
33. A condition requiring the approval of the details of the window and rooflight(s) to be inserted within two of the bedrooms is necessary in the interests of the living conditions of the future occupiers of dwelling one.
34. An Ecological Appraisal and Bat Roosting Assessment was submitted with the application which identified that there was evidence of pipistrelle bats in a neighbouring building. Therefore, a condition requiring approval of any

external lighting and is necessary in the interests of protecting protected species.

Conclusion

35. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

G Sibley

INSPECTOR

Schedule of Conditions

- 1) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - i) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii) the site has been remediated in accordance with the approved measures and timescale; and
 - iii) a verification report has been submitted to and approved in writing by the local planning authority.
- 2) If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:
 - i) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - ii) a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 3) The dwellings hereby permitted shall not be occupied until a scheme for car and cycle parking (with access thereto) in accordance with Bedford Borough Council's Parking Standards for Sustainable Communities: Design and Good Practice 2014 has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and made available for use before the development is occupied and the car and cycle parking areas shall not thereafter be used for any other purpose.
- 4) The dwellings hereby permitted shall not be occupied until full details of the bin storage/collection point(s) have been submitted to and approved in writing by the local planning authority. The storage and collection of bins shall be provided in accordance with the approved scheme and thereafter retained.

- 5) Notwithstanding the details contained with the plans submitted with this appeal details shall be provided of the rooflight(s) to be inserted within bedroom two in dwelling one identified on drawing no 201 and details of the enlarged window to be inserted within bedroom three in dwelling one identified on drawing no 201 shall be submitted to and approved in writing by the local planning authority prior to the occupation of dwelling one. The development shall be carried out in accordance with the approved details.
- 6) Prior to the occupation of any dwelling hereby approved, details of any external lighting to be provided in association with the development shall be first submitted to and approved in writing by the local planning authority. Only external lighting in accordance with the approved details shall be provided on the application site. No other external lighting shall be installed without prior grant of planning permission pursuant to an application made to the local planning authority in that regard.

End of Schedule