



Appeal Decision

Site visit made on 25 March 2025

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 May 2025

Appeal Ref: APP/T2350/W/24/3355255

Winkley Hall Farm, Whalley Road, Hurst Green, Lancashire BB7 9PN

- 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 Whittaker against the decision of Ribble Valley Borough Council.
 - The application Ref is 3/2024/0519.
 - The development proposed is described as: 'conversion of a barn to one new two-storey dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the appeal form as it more accurately and succinctly describes the proposed development. In doing so, I have removed words that are not acts of development.
3. Both parties refer to Paragraph Q.1(m) of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) within their statements. However, since amendments to the GPDO came into effect on 21 May 2024¹, the paragraph relevant to the matters at appeal is now Q.1(n). This paragraph states that development is not permitted by Class Q if the building is a listed building.

Background

4. The appeal proposal relates to conversion of the appeal building, a large barn located within a farmstead complex in a rural location. The barn comprises of the main two storey height building with a dual pitched roof, finished with artificial slate to the south facing slope, and Welsh slate over the north facing roofslope which continues over a single storey outrigger. The south and two storey height elevation faces onto a cobbled farmyard and includes a large arched opening to the right of a modern concrete block parlour extension. This elevation faces the Grade II listed building known as Winkley Hall Farmhouse and Winkley Cottage² which lies across the cobbled farmyard.
5. The Council considers that the appeal building is within the curtilage of Winkley Hall Farmhouse and Winkley Cottage and should be treated as part of the listed building.

¹ Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2024 (S.I. 2024/579).

² List Entry Number: 1147066.

Main Issues

6. The main issues are therefore whether the appeal building is a listed building and whether the proposed development would be permitted development under Schedule 2, Part 3, Class Q.1(n) of the GPDO.

Reasons

7. For the purposes of the GPDO, “listed building” has the same meaning as in Section 1 of the Act³. Section 1(5)(b) of the Act establishes that any object or structure within the curtilage of the building, although not fixed to the building, forms part of the land and has done so since before 1 July 1948, shall be treated as part of the building.
8. Winkley Hall Farmhouse and Winkley Cottage was first added to the statutory list on 13 February 1967 with the most recent amendment to the listing on 22 November 1983. The statutory list description identifies the Grade II listed building as dating from the eighteenth and nineteenth centuries with seventeenth century remains. The description sets out that the building comprises of east and middle ranges with parallel roofs running north-south and the more recent west (early to mid nineteenth century) wing with an east-west roof.
9. From the limited evidence before me, at the time of initial listing in 1967, the appeal building and Winkley Hall Farmhouse and Winkley Cottage were in the same ownership. This has not been disputed by the appellant and they remain in the same ownership today. The historic map extracts also indicate that the appeal building was in existence well before 1 July 1948. It is clear therefore that the appeal building formed part of the land associated with the listed building and has done so since before 1 July 1948.
10. As set out above, the appeal building and Winkley Hall Farmhouse and Winkley Cottage lie at opposing sides of the cobbled farmyard, a reasonably short distance apart (approximately 18-20 metres away⁴) with no intervening structures. The principal two storey elevation of the barn faces directly onto the farmyard towards Winkley Hall Farmhouse and Winkley Cottage. As such, there is a clear physical relationship between the principal listed building and the appeal building. From the map evidence before me, this relationship is relatively unchanged since at least the 1840s and is indicative of the clear functional relationship between a farmhouse and its ancillary complex of buildings that make up the farmstead.
11. A farmstead such as this would have functioned with the farmhouse as the administrative unit of the enterprise with its close relationship with the building complex allowing for ‘round the clock’ security and convenience, particularly in relation to the management of livestock. On this basis the appeal building would have been ancillary to the agricultural enterprise administered from Winkley Hall Farmhouse and Winkley Cottage. I have seen no evidence that the appeal building has been used for anything other than such purposes and it appears that the functional relationship between it and the principal listed building existed until very recently, including, at the point of listing.

³ Planning (Listed Buildings and Conservation Areas) Act 1990.

⁴ Based on the Council's measurements.

12. The appellant, citing the Jews Farm case⁵ contends that 'agricultural buildings do not automatically fall within the curtilage of a listed farmhouse'. The farmhouse in the Jews Farm case was separated from the agricultural buildings by a substantial wall. The relationship between the buildings was therefore different to that present in the case before me. Moreover, determining the statutory status of any objects or structures within the curtilage of a listed building is very much dependent upon the site-specific facts of the individual case.
13. In this instance, taking account of the spatial, functional, ownership and associative relationship between the appeal building and the principal listed building, in the past and at the time of listing, I conclude that it is a structure within the curtilage of Winkley Hall Farmhouse and Winkley Cottage. The appeal building should therefore be treated as part of the listed building, in accordance with the purposes of Section 1(5) of the Act.
14. I therefore conclude that the proposal would not be permitted development under Schedule 2, Part 3, Class Q.1(n) of the GPDO.

Other Matters

15. Whilst not included within the reasons for refusal, the Council has raised concerns in its statement that the proposed flue would extend beyond the external dimensions of the building and thus the development fails to meet the requirements of Q.1 (h). However, as I am dismissing on the above grounds, I need not consider this matter any further.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

Paul Martinson

INSPECTOR

⁵ R (Egerton) v Taunton Deane BC [2008] EWHC 2752 (Admin).