



Appeal Decision

Site visit made on 24 April 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2025.

Appeal Ref: APP/R1845/W/25/3359267

Barns at Brown Westhead Park, Wolverley, Kidderminster, DY10 3PX

- 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 L Strong (Strong Farms 1988 Ltd) against the decision of Wyre Forest District Council.
 - The application Ref is 24/0567/PNR.
 - The development proposed is conversion of existing agricultural barn to form 5 no dwellings.
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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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for conversion of existing agricultural barn to form 5 no dwellings at Barns at Brown Westhead Park, Wolverley, Kidderminster, DY10 3PX in accordance with the application 24/0567/PNR and the details submitted with it, pursuant to Article 3(1), Schedule 2, Part 3, Class Q, and subject to the conditions in the attached schedule.

Background and Main Issues

2. Article 3, Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) permits the change of use of a building and that is part of an established agricultural unit and any land within that building's curtilage to a use falling within use class C3 (dwellinghouses). Class Q also allows building operations reasonably necessary to convert the building to a dwellinghouse use, subject to various clauses and conditions, including a requirement for an application to be made to the local planning authority as to whether prior approval is required on various matters before beginning the proposed development.
3. The Council's reasons for refusal refers to the lack of evidence regarding the agricultural use of the buildings and the effect of the proposed development on protected species. The main issue is therefore whether the proposal would be permitted development under Article 3, Schedule 2, Part 3, Class Q of the GPDO, and the effect of the proposed development on protected species.

Reasons

Whether permitted development

4. The GPDO at paragraph Q states that development consisting of a change of use of (i) a building that is part of an established agricultural unit and ant land within that building's curtilage to a use falling within Class C3 (dwellinghouses) is permitted development.
5. Paragraph X of the GPDO defined established agricultural unit as agricultural land occupied as a unit for the purposes of agriculture. The appellant has provided a holding number and map detailing the appeal site, and building, forming part of their agricultural holding. In their submission the appellant confirms that the land and buildings were in agricultural use since purchased in 1998, and the buildings only ceased their agricultural use in 2016.
6. Whilst the Council's concerns relate to the agricultural use of the building, there is no requirement in the GPDO for the building's to be in agricultural use. The location of the building on an agricultural unit is sufficient to comply with the requirement of Class Q (a) (i).
7. In any event, detailed information regarding the use of the building for storage purposes has been provided by the appellant. Whilst the use may have ceased, and whilst the Council counter the reasons for this, the previous use appears to have been agriculture.
8. Consequently, from the available evidence, I have no reason to believe that the appeal site does not form part of an established agricultural unit. I therefore conclude that, in light of the above considerations, having regard to paragraph Q.1.(a) (i) of the GPDO, the proposed development would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

Protected species

9. In consideration of wildlife matters, every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. This duty is similar in scope to those under the Conservation of Habitats and Species Regulations. This can justify taking into account the effect on any protected species in determining a prior approval application, where the matters include amenity, siting or location.
10. A Preliminary Ecological Appraisal including a preliminary bat roost assessment (PEA), and Bat Survey have been submitted with the appeal. The Bat Survey confirmed the presence of a number of bats, and species, within one building. A number of recommendations, including mitigation and enhancement, have been provided within the bat survey.
11. The Council appear to be content with most of the recommendations however have raised concerns regarding the location of two crevice-designed boxes for pipistrelle bats and whether this can be provided within the red outline. The submitted drawings note that this would be provided on the front elevation with final location to be confirmed with the Council's ecologist. Surrounding the entire building to be converted is an area of red land. The plans detail that the crevice-designed boxes would be located on the elevation of a building as such they would be provided within the curtilage.

12. On the evidence before me I have no reason to disagree with the submitted PEA and Bat Survey, subject to the imposition of a suitable condition finalising the location of the receptor boxes.

Conditions

13. Paragraph Q.2.(4) of the GPDO states that Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b) or (c), if any, must be completed within a period of 3 years starting with the prior approval date.
14. Paragraph W (13) of the GPDO states that prior approval may be granted unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. A condition specifying the approved drawings is necessary for reasons of certainty. Conditions regarding refuse and parking are necessary in order to ensure that these are provided. A condition relating to land contamination is necessary due to the historic use of the site as an MOD hospital and to ensure that any contamination is remedied.
15. I have altered the wording of the requested materials conditions to allow for details of the material to be submitted prior to their use in the development. I have not included a condition relating to lighting as this does not relate to the subject matter of the prior approval. I have included a condition regarding the location of bat receptor boxes which was suggested by the appellant.

Conclusion

16. For the foregoing reasons, I conclude that the appeal should be allowed

Tamsin Law

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos: 4376-902D, and 4376-901D.
- 2) Prior to the occupation of the development hereby permitted, the 10 car parking spaces shall have been first provided including markings on the ground as shown on Drawing Number 4376-902D and the car parking spaces shall be retained for the purposes of car parking and shall not be used for any other purpose.
- 3) No development shall take place until details of facilities for the storage of refuse within the curtilage of building approved under this permission have been submitted to and approved in writing by the Local Planning Authority. The refuse facilities shall be provided in accordance with the approved details before the buildings are first occupied and thereafter maintained.
- 4) Prior to their use in the development hereby permitted of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 5) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements I) to IV) below have been complied with:

I). Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.

II). Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

III). The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

IV). Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the

remediation carried out must be produced and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings on site.

- 6) Prior to the commencement of development, the location of 2no bat receptor boxes shall be submitted to and approved in writing by the Local Planning Authority. These shall be provided prior to the use of the development. Development shall be carried out in strict accordance with the approved details.

