



Appeal Decision

Site visit made on 5 February 2026

by **S Brook BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th March 2026

Appeal Ref: APP/P2365/W/25/3376286

Freshfield, Hundred End Lane, Hesketh Bank, Preston PR4 6XL

- 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 and Mrs C and J Wignall against the decision of West Lancashire Borough Council.
 - The application reference is 2025/0453/PNC.
 - The development proposed is described as 'Application for determination as to whether prior approval of details is required - Class Q - change of use to dwelling from agricultural building (and for building works 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for Change of use to dwelling from agricultural building (and for building works necessary to convert the building) at Freshfield, Hundred End Lane, Hesketh Bank, Preston, PR4 6XL, in accordance with the application 2025/0453/PNC and the details submitted with it, including plans: Site Location Plan, Proposed Site Plan, Proposed Floor Plan C747 Rev A, and Proposed Elevations C474 Rev A, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the flood risk mitigation and flood risk resilience/resistance measures detailed within the submitted document 'NPPF Flood Risk Assessment, 8 May 2025, Flood Risk and Drainage Solutions Ltd', except where this is updated by the mitigation measures contained within the response by Wignalls, dated 26 February 2026. Specifically:
 - Finished floor levels for the proposed dwelling shall be set no lower than 6.940m AOD.
 - Incorporation of the specified flood resilience/resistance measures within the proposed dwelling shall be set 0.9m above the finished floor level of 6.940m AOD.These flood risk mitigation and flood risk resilience/resistance measures shall be maintained for the lifetime of the development.

Preliminary Matters

2. From 21 May 2024, the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024/579 came into force, which made changes to Schedule 2, Part 3, Class Q of the Town and Country Planning

(General Permitted Development) (England) Order 2015, (the GPDO). Transitional arrangements are set out under Article 10 of the amending Order. Where development is permitted by Class Q immediately before 21 May 2024, but not on or after that date, the developer may make a prior approval application in relation to the previously permitted development under Class Q until the end of 20 May 2025.

3. The application form accompanying this appeal confirms that the application was made with the intention to use the permitted development right as it stood prior to 21 May 2024. As such, I have considered the appeal against Schedule 2, Part 3, Class Q of the GPDO as it stood prior to 21 May 2024.
4. During the course of the appeal, consultation was undertaken with the main parties and the Environment Agency, due to the recent publication of the Environment Agency's updated flood mapping dataset (NaFRA2). The response from the Environment Agency was made available to the main parties before the deadline for submission of any further representations, and so I am satisfied that no parties have been prejudiced by this course of action. In reaching my decision, I have taken into consideration the further representations received.
5. In response to the updated flood mapping dataset and consideration of Environment Agency (EA) Standing Advice, the appellant suggests an increase to the finished floor level (FFL) of the proposed dwelling. However, the appellant does not consider that this would affect the external appearance of the proposal, and no amended plans have been submitted as part of this appeal. Consequently, I do not consider that my taking account of this modest change would be prejudicial to any parties.
6. In my decision, the description of development differs from that used in the banner heading above, because I have removed any wording which does not describe the act of development.

Background and Main Issue

7. Under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO, planning permission is granted for the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within use class C3 (dwellinghouses), together with building operations reasonably necessary to convert the building to a dwellinghouse, subject to specified limitations and conditions.
8. Paragraph Q.2(1) requires the developer to apply to the local planning authority to determine whether the prior approval of the authority will be required as to a number of specified matters. These are (a) transport and highways impacts of the development, (b) noise impacts of the development, (c) contamination risks on the site, (d) flooding risks on the site, (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses), (f) the design or external appearance of the building, and (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses.
9. The Council's Decision Notice contained only one refusal reason, which related to the partial location of the proposal within Flood Zone 2 and the lack of sequential test. However, the appeal submission includes subsequent correspondence

between the main parties, which indicates that the Council has accepted that the decision was made in error, on the basis that change of use proposals do not require a sequential test for flood risk. The Council has provided no further evidence to defend this refusal reason at appeal.

10. Paragraph 176 of the National Planning Policy Framework (the Framework), states that applications for some minor development, including changes of use, should not be subject to the sequential test. Footnote 62 clarifies that this includes householder development, small non-residential extensions (with a footprint of less than 250m²) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park. As the proposal does not involve a change of use to a caravan, camping or chalet site, or to a mobile home or park, the Framework does not require that the proposal be subject to the sequential test for flood risk. Consequently the omission of a sequential test does not raise any conflict with policies GN3 and GN5 of the West Lancashire Local Plan 2012-2027, which requires satisfaction of the sequential test in line with national guidance.
11. The Council's Officer Report did not raise any other concerns with either the specified limitations and conditions of Class Q, or any other prior approval matters, and from the available evidence, I have no reason to disagree. However, it is mandatory for me to take account of the most relevant and up to date information in reaching a decision, which in this case, includes the EA flood mapping dataset (NaFRA2), which has been updated subsequent to the Council's decision to refuse the appeal proposal.
12. Consequently, the main issue in the appeal is whether the proposed change of use is appropriate with regards to flooding risk on the site.

Reasons

13. The appellant's original application to the Council was accompanied by a Flood Risk Assessment (FRA)¹ on the basis that the site was located within Flood Zone 2, with a medium risk of tidal flooding from the Ribble Estuary, albeit other sources of flood risk were also considered. Supporting information indicated that only the northern corner of the building would be within Flood Zone 2, which is proposed to be a plant room, rather than habitable accommodation.
14. The FRA found tidal flood risk to be residual, due to the presence of earth embankment flood defences. It proposed a number of flood resilience/resistance measures to be set 900mm above the FFL, but retention of the existing floor level at 150mm above ground level on the basis that raising the FFL would reduce head height within the existing building. It also considered emergency evacuation to Hundred End Lane, immediately to the south of the site, which is within Flood Zone 1, and the preparation of a Personal Flood Plan for future occupiers. The Council's Officer Report raised no concerns in relation to flood risk, other than in respect to the sequential test.
15. The EA advised that following updates, the extent of Flood Zone 2 which affects the site remains unchanged from when the application was determined in July 2025. However, the site is now wholly within the latest Flood Zone with Climate Change (2070 to 2125) extent, which was first published in August 2025. The EA

¹ NPPF Flood Risk Assessment, 8 May 2025, Flood Risk and Drainage Solutions Ltd.

refers to standing advice for 'lower risk' development proposals such as the appeal scheme.

16. In response, the appellant has considered the EA's updated data, referring to an estimated flood level of 6.640m above ordnance datum (AOD) across the site. The existing FFL of the agricultural building is 6.340m AOD, approximately 300mm below the updated estimated flood level. The appellant references the EA Standing Advice, which suggests that finished floor levels should be set a minimum of 300mm above the estimated flood level where there is a high degree of certainty regarding that level. The appellant considers the estimated flood level to have a high degree of certainty and from the available evidence, I have no reason to disagree.
17. The appellant advises that the existing floor level of the appeal building would need to be raised 600mm to comply with this advice, but that this is achievable on the basis that internal ceiling heights would remain generous. A minimum of 2.7m would be achievable within the garage, while principal accommodation would range from 3.7m to 5m. The appeal building is 5.6m in total height and the proposal is for single storey accommodation only, and so I have no reason to disagree with the appellant that a 600mm increase in floor levels internally is achievable. The appellant also suggests the provision of a raised refuge space within the roof apex.
18. The appellant considers that the modified FFL would not alter the footprint, or overall scale of the building. Consequently, I am satisfied that this change would not increase flood risk elsewhere.
19. Overall, I am satisfied that the original FRA and updated response² are appropriate to the scale, nature and location of the development, and proportionate to the degree of flood risk. Subject to a condition to secure the updated flood mitigation, flood resistance and resilience measures, I have no reason to consider that the proposal would not be safe throughout its lifetime, including safe access and escape routes. I conclude that the proposed change of use is acceptable with regards to flooding risk on the site.

Other Matters

20. The appellant states that the modification to the proposed FFL would not alter the external appearance of the building and no amended plans are before me. This is the basis on which I have considered the appeal and paragraph W (12) of Schedule 2, Part 3, of the GPDO, states that where prior approval is required, the development must be carried out in accordance with the details approved by the local planning authority, unless the local planning authority and the developer agree otherwise in writing.

Conditions

21. Any planning permission granted for development under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO is subject to the condition under Q.2 (3) which specifies that the development shall be completed within a period of 3 years starting with the prior approval date. As indicated above, the GPDO also requires

² Response from Wignalls, dated 26 February 2026.

the development to be carried out in accordance with the details approved, and I have listed the submitted plans in my decision.

22. Paragraph W (13) of Schedule 2, Part 3 of the GPDO allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. In this instance, a condition is necessary to secure the flood risk mitigation measures as amended, in response to the EA updated flood mapping dataset (NaFRA2).
23. Consultation with the Council's Environmental Health Officer indicates that acoustic glazing is considered necessary to mitigate noise intrusion from surrounding uses. I have no reason to disagree with this position. As details of acoustic glazing are included on the submitted plans, and the development must be carried out in accordance with these plans, a condition to secure these details is unnecessary.

Conclusion

24. For the reasons given above, I conclude that the appeal should be allowed and prior approval granted under Schedule 2, Part 3, Class Q of the GPDO.

S Brook

INSPECTOR