



Appeal Decision

Site visit made on 18 August 2015

by Michael Moffoot DipTP MRTPI Dip Mgt MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 October 2015

Appeal Ref: APP/T2350/W/15/3011902

Agricultural building on land off New Lane (B6243), Withgill, Clitheroe

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Angus Grimshaw against the decision of Ribble Valley Borough Council.
 - The application Ref: 3/2014/0942, dated 15 October 2014, was refused by notice dated 24 December 2014.
 - The development proposed is described as *'the floor area of the building is 108 square metres and the proposal is to create one dwelling. The existing building is situated off New Lane (B6243) as shown on the location plan submitted with this application. Please also see enclosed photographs of the building.'*
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Angus Grimshaw against Ribble Valley Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. Since the appeal was lodged the Town and Country Planning (General Permitted Development) Order 1995 (as amended) ('the 1995 GPDO') has been replaced by the Town and Country Planning (General Permitted Development) (England) Order 2015 ('the 2015 GPDO'), which came into force on 15 April 2015. Whilst there has been no substantive change to the provisions relating to the change of use of agricultural buildings to dwellinghouses or the associated procedural requirements, Class MB of Schedule 2, Part 3 of the 1995 GPDO is replaced by Class Q of Schedule 2, Part 3 of the 2015 GPDO. I refer to the classes in the 2015 GPDO in this decision.
4. Following initial uncertainty as to whether the application also sought prior approval for building operations necessary to convert the building to a dwelling, the Council has confirmed that the proposal was considered under Class MB(a) only¹. I shall therefore disregard the Authority's submissions relating to paragraph Q.2. ('Conditions'), and consider the appeal proposal as comprising change of use of an agricultural building to a dwellinghouse; the description cited by the main parties.

¹ Now Class Q.(a) of the 2015 GPDO

5. There is no dispute between the parties that the proposal complies with parts Classes Q.1.(b) and Q.1.(j). Furthermore, as the application is confined to Class Q.(a), the provisions of Class Q.1.(i) are not for consideration in this appeal. Accordingly, I shall confine my detailed considerations to the remaining parts of Class Q.1.

Reasons

6. In relation to Class Q.1.(a), the prior approval application form answers 'n/a' to questions regarding the use of the building prior to or after 20 March 2013 and advises that "*the building has only been used for agricultural livestock and agricultural storage*". However, Class Q.1.(a) requires the site to be part of an established agricultural unit. The application included two location plans, a proposed site plan, a floor plan/elevation drawing and photographs of the existing building. However, whilst the applicant's address was indicated in correspondence accompanying the application², no information was provided at this stage about the size and nature of the established agricultural unit or its relationship and proximity to the application site.
7. Although the application form clearly states the number of dwellings proposed, Class Q.1.(c) similarly refers to 'an established agricultural unit', and as information regarding this matter was not provided it follows that the application was deficient in this respect.
8. In respect of Classes Q.1.(d) and Q.1.(e), the application form makes it clear that the site was not currently occupied under an agricultural tenancy agreement at the time of the application and no such tenancy agreement had been terminated during the preceding year for the purposes of undertaking the proposed development.
9. The application form does not request information regarding Class Q.1.(f), and it was therefore unclear whether the building was part of an established agricultural unit. I do not consider the onus is upon the Council to research its planning records to determine whether or not the proposal complied with Class Q.1.(f), and would expect the appellant's professional agent to have been aware of the need to provide this information and to have done so.
10. The information and plans of the existing building indicate that the floor area of the proposed change of use would be 108 square metres. However, it is not clear whether the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point, as described in Class Q.1.(g), for example by way of an increased roof height.
11. The Council's decision was based on the provisions of the 1995 GPDO which under Class MB.1(h) required a building to be within an established agricultural unit. However, this term is not included in Class Q.1.(h), and the proposal is therefore compliant as the floor space would be less than 450m².
12. Although the Council's considerations were confined to Class MB(a), it submits that post-decision amendments to the *Planning Practice Guidance* (PPG) in relation to building works allowed when changing an agricultural building to residential use and the structural integrity of the existing building are relevant

² Agent's covering letter to Council dated 15 October 2014

- to this case³. However, the guidance relates to building operations, which do not form part of the proposal at this stage as the appellant did not seek prior approval for building works under Class Q.(b).
13. In respect of Classes Q.1.(k), Q.1.(l) and Q.1.(m) the Council confirms that the site does not form part of a site of special scientific interest, a safety hazard area or a military explosives storage area, nor does it contain a scheduled monument and the building is not listed. Accordingly, there is no conflict in respect of these Classes.
 14. In the majority of the disputed Classes the appellant submits that the Council should have requested the relevant information necessary to reach its decision, whereas the authority argues that the application lacked the detail necessary for it to determine the proposal.
 15. Amongst other things, paragraph W.(3) of Schedule 2, Part 3 of the 2015 GPDO ('Procedure for applications for prior approval under Part 3') states that the local planning authority may refuse an application where, in the opinion of the authority, *'the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions specified in this Part as being applicable to the development in question'*. However, paragraph W.(9) states that the local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application.
 16. It seems to me therefore that both sides were at fault; the submitted information could have been more comprehensive and the Council could have requested additional information to enable it to consider the proposal.
 17. I have found the proposal compliant in respect of Classes Q.1.(d), (e), (h), (k), (l) and (m). However, whilst there may not be a statutory requirement for an applicant to indicate what constitutes the established agricultural unit when seeking prior approval for change of use of an agricultural building to a dwellinghouse, the term is used a number of times in Class Q and I would expect a professional agent to provide such information as part and parcel of the application.
 18. Although the Council did not seek clarification on this matter, its omission means that the proposal does not comply with the provisions of Class Q in its entirety. The provision of a plan detailing the extent of the land under the appellant's ownership submitted with the appellant's final comments is noted, but this was not before the Council when it reached its decision. Nevertheless, provision of this information now satisfies those Classes which refer to an 'established agricultural unit' and in this respect the proposal is compliant. However, it remains unclear whether the proposal would involve the external dimensions of the building extending beyond the external dimensions of the existing building at any given point, as described in Class Q.1.(g).
 19. As to other matters raised in the submissions, concerns regarding access to the site and highway safety are for consideration under the provisions of Class Q.(b) and paragraph Q.2. ('Conditions') and are not therefore before me in this appeal.

³ PPG Reference ID: 13-105-20150305

Conclusion

20. For these reasons, I conclude that insufficient information has been submitted to demonstrate that the proposal complies with the conditions, limitations and restrictions of the 2015 GPDO and therefore comprises permitted development. Accordingly, the appeal must fail.

Michael Moffoot

Inspector

Appeal Decision

Site visit made on 8 October 2015

by Louise Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 October 2015

Appeal Ref: APP/T2350/D/15/3106028

4 Court Grove, Clayton le Dale, Blackburn BB1 9HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Birch against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2015/0216, dated 4 March 2015, was refused by notice dated 19 May 2015.
 - The development proposed is pitch roof dormer to front elevation to match the existing roof material and four low profile velux windows to the rear elevation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The Council raises no issue with the low profile velux windows to the rear. I see no reason to disagree with its view. I therefore focus exclusively on the front dormer. The main issue is therefore the effect of the proposal on the character and appearance of the host property, and street scene.

Reasons

3. Court Grove is a small cul- de sac which forms part of the wider Yew Tree Drive estate. It is a relatively modern development characterised by detached properties. The designs of the properties vary. However, the houses are of a broadly similar scale and the same palette of materials is found throughout the estate.
4. The host property in common with many of the neighbouring houses has a visually subservient projecting gable feature to the front of the property. In this case it has a pitched roof. There are examples of pitch and hipped, and a mixture of both roof treatments found throughout the estate. However, from my site visit it appeared that a common design feature is for the barge boards to tie in with the eaves of the main body of the house.
5. The appeal proposal would extend the height of the gable feature in order to insert another flight of stairs to access the roof space. This would provide additional living accommodation. However, the ridge line of the gable feature would be at the same level as the ridge line of the roof of the main body of the house. The resultant front gable feature would appear to sit awkwardly on the front elevation and to be out of scale with the rest of the property. Moreover,

the half hipped dormer would appear just under the ridge line and be divorced from the eaves of the main roof.

6. This would result in an incongruent development. It would be highly visible from Court Grove due to the host property's prominent location at the end of the cul-de sac, and from the adjacent open space which provides a pedestrian link from Court Grove to Yew Tree Close. When viewed from the open space the side elevation would appear overly tall, and out of scale, whilst its roof would appear to dominate the property due to the length of the roof area.
7. I note that the appellant has offered to be flexible in the choice of materials to be used in its construction and I accept that were I be minded to allow the appeal that these could be controlled by condition. However, I consider that the proposed development would be overly dominant in the street scene and adversely impact on the character and appearance of the host property.
8. Consequently, although I appreciate that the appellant wishes to extend his home to provide additional living accommodation, the impact of the scale, bulk and position of the proposed development on the appearance of both the host property and the wider area would be unacceptable. This would run contrary to the design principles contained within both Policies DMG1 and DMH5 of the Ribble Valley Core Strategy adopted 2014 which promote good design that respects and enhances the existing character and appearance of an area.
9. For the reasons above the appeal should be dismissed.

L. Nurser

INSPECTOR

Appeal Decision

Site visit made on 25 August 2015

by **Matthew Birkinshaw BA(Hons) Msc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 October 2015

Appeal Ref: APP/T2350/W/15/3128758

Little Dudlands Farm, Rimington Lane, Rimington, Clitheroe, BB7 4EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Lund against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2014/1090, dated 26 November 2014, was refused by notice dated 20 May 2015.
 - The development proposed is the conversion of barns to two dwellings with garages, creation of garden areas, replacement garage for farmhouse and installation of package treatment plant.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr John Lund against Ribble Valley Borough Council. This application will be the subject of a separate Decision.

Main Issues

3. The main issues are:
 - Whether or not the barns would be suitable for conversion, having particular regard to their location and the development strategy for the area; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Location of Development

4. Little Dudlands Farm consists of the main farmhouse, two traditional stone barns, a large modern agricultural building and a collection of smaller outbuildings and extensions. To the east of the farmyard, but visually and physically associated with it, is a small workshop and yard. As part of the proposal the modern outbuildings and extensions would be demolished and the traditional stone barns converted into two dwellings with associated garden areas and garages.
5. Situated roughly 600m from the nearest settlement of Rimington the appeal site is located in the open countryside. Within the open countryside *Ribble*

Valley Core Strategy Policy DMG2 states that, amongst other things, where possible new development should be accommodated through the re-use of existing buildings. Core Strategy Policy DMH3 also limits new residential development in the open countryside to the appropriate conversion of buildings providing that they are suitably located and in keeping with their surroundings. This reflects the development strategy for the area, which seeks to focus the majority of new housing to principal settlements and villages. It is also broadly consistent with the National Planning Policy Framework ('the Framework').

6. In establishing whether or not the proposed development would be suitably located it is necessary to consider the requirements of Core Strategy Policy DMH4. Despite not being referred to in the Council's reasons for refusal this specifically relates to the conversion of barns and other buildings to dwellings. Criterion 1 confirms that planning permission will be granted for such works where *"the building is not isolated in the landscape, i.e. it is within a defined settlement or forms part of an already group of buildings..."*
7. Although Little Dudlands Farm is outside of Rimington and detached from any neighbouring development, the traditional stone barns proposed for conversion form part of an existing group of buildings. Even with the demolition of modern structures and extensions the barns would sit alongside the existing farmhouse and adjacent workshop. As a result, they would not be isolated in the landscape and the proposal accords with Policy DMH4(1).
8. In refusing planning permission the Council assert that the location of the appeal site would place reliance upon the private car, and is thus unsuitable by reason of its accessibility to local shops and services. Based on observations at my site visit I agree that the nearest facilities would be beyond a reasonable walking distance away. Core Strategy Policy DMG3 directs that considerable weight will be attached to the availability and adequacy of public transport and associated infrastructure to serve those moving to and from a development.
9. However, paragraph 55 of the Framework permits new isolated homes in the countryside where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. This is reflected in Core Strategy Policy DMH3 which allows for the appropriate conversion of buildings to dwellings in the countryside. Policy DMH4 also permits the residential conversions of barns, which, by their very nature are likely to be in rural areas.
10. It is also pertinent to consider the Examining Inspector's report into the *Ribble Valley Core Strategy*, dated 25 November 2014. This found that *"As submitted, Policy DMH4 appears to suggest that barn conversions will only be allowed where the building is in a defined settlement. This is not the Council's intention."* The remedy suggested, and taken forward in the adopted Core Strategy was the requirement that buildings are not isolated in the *landscape*. Despite attaching considerable weight to the availability and adequacy of public transport nearby, the proposal therefore accords with development plan policy concerning barn conversions and would not undermine the development strategy for the area.
11. I therefore conclude that having regard to their location and the development strategy for the area the barns would be suitable for conversion. As a result, there is no conflict with Core Strategy Policies DMG2, DMH3, DMH4 or the aims and objectives of Policy DS1. In this regard there is also no conflict with the presumption in favour of sustainable development in Core Strategy Policy DS2.

Character and Appearance

12. However, the supporting text to Core Strategy Policy DMH3 establishes that the protection of the open countryside from visually harmful development is seen as a high priority by the Council and is necessary to deliver sustainable patterns of development and the overarching Core Strategy vision. Similarly, the text associated with Policy DMH4 emphasises that conversions should be of a high standard of design and in keeping with local tradition. This includes recognising the importance of ensuring that garden areas and car parking facilities do not harm the appearance or function of the area.
13. With this in mind the curtilage associated with barn no.1 would be substantial, stretching from the northern site boundary to a point roughly level with the existing track to the south. Given the size of the dwelling proposed it is also likely to provide family accommodation, with glazed doors leading out from the dining room and living room into a large area of garden. Although the garage would provide some space for storage, I share the Council's concerns that the extent of curtilage would lead to a proliferation of domestic paraphernalia such as outdoor seating, washing lines and children's play equipment which could not be controlled by the removal of permitted development rights. Due to the footpaths which run through the site the excessive curtilage would be clearly visible, and lead to an overtly domestic, unsympathetic urban appearance.
14. This would also be exacerbated by the provision of a separate gravel track leading to the proposed double garage, which would be visually divorced from the main cobbled courtyard. Furthermore, whilst the proposed garages would be subservient additions and incorporate local materials, based on the plans provided they would be relatively unimaginative, domestic additions. Despite the natural fall of the site they would also be visible from public footpaths.
15. In the context of such a traditional, agricultural setting the area around barn no.1 would therefore be harmful to the character and appearance of the farmstead. With such a large, domestic curtilage this aspect of the proposal would fail to respect the rural appearance of the farm which forms part of the intrinsic character of the countryside. Rather than better revealing the historic significance of the original existing buildings, when read as a whole the alterations proposed would cause demonstrable harm to their traditional, functional setting.
16. In reaching this view I appreciate that various modern agricultural buildings and alterations would be demolished, some of which are in a state of disrepair. The converted barns, garden areas and garages would also be limited to the existing footprint of built development, and new areas of grassland would be formed. However, whilst the modern buildings have a utilitarian, functional appearance, they are nonetheless synonymous with their rural, agricultural surroundings. As a consequence, their removal does not justify granting planning permission for such an unsympathetic, overtly residential conversion.
17. Although not suggested by the appellant the possibility of granting planning permission subject to the use of conditions has also been considered. However, no evidence has been provided to indicate how the size of the curtilage associated with barn no.1 and its parking requirements could be amended in a way so as not to undermine the traditional farmyard setting. In the absence of any information it would therefore not be appropriate to rely on planning conditions, which may also materially alter the nature of the scheme.

18. I therefore conclude that due to the size of the curtilage associated with barn no.1, combined with the design and siting of double garages, the proposal would not be in keeping with the character and appearance of the area. As a result, it conflicts with Core Strategy Policy DMH3 which states that the appropriate conversion of buildings to dwellings will be permitted providing that, amongst other things, their form and general design are in keeping with their surroundings. For the same reasons it also conflicts with Core Strategy Policy DMG1 which requires development to be sympathetic to existing and proposed land uses, with particular emphasis placed on the visual appearance of buildings and the relationship to their surroundings. Finally, by failing to recognise the intrinsic character and beauty of the countryside the scheme is contrary to one of the Framework's core planning principles.

Other Matters

19. In reaching my conclusions against the main issues I have taken into account whether or not the barns could be converted into dwellinghouses under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Whilst the appellant confirms that a scheme *could* be designed so as to meet the requirements of the GPDO, the proposal before me does not. The potential fallback position therefore does not justify granting planning permission for the appeal scheme.
20. It is also noted that the Council has not raised any concerns regarding access to the site, the effect of the proposal on the local public right of way network, the living conditions of local residents or ecology. Nevertheless, these are only neutral factors in the overall planning balance and do not overcome the harm that has been identified. Moreover, in the absence of any supporting evidence I have not given any significant weight to comments that the proposal would provide a viable use to secure the future of the buildings.
21. Finally, in refusing planning permission the Council has also raised concerns that the scheme would set an undesirable precedent for allowing further dwellings in unsustainable locations, to the detriment of the development strategy for the area. However, each case must be assessed on its merits. Whilst finding in favour of the principle of development in this instance, I find no evidence to suggest that it would undermine the development strategy for the area which focuses the majority of new housing towards principal settlements and villages.

Conclusion

22. The proposed conversions would be suitable having regard to their location and the local development strategy. However, the scheme would be unacceptable due to its adverse effect on the character and appearance of the area.
23. For this reason, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Matthew Birkinshaw

INSPECTOR