



## Planning Committee

8 October 2020

## Planning Appeals

### Report of the Executive Manager – Communities

<b>LOCATION</b>	Home Farm Landmere Lane Ruddington Nottinghamshire NG11 6ND	
<b>APPLICATION REFERENCE</b>	19/02105/PAQ	
<b>APPEAL REFERENCE</b>	APP/P3040/W/20/3247011	
<b>PROPOSAL</b>	Application for Prior Approval for conversion of agricultural building to 1no. dwelling house.	
<b>APPEAL DECISION</b>	Appeal Dismissed	<b>DATE</b> 17th August 2020

### PLANNING OFFICERS OBSERVATIONS

The application related to a barn-type building located at Home Farm, Landmere Lane, Ruddington, which the applicant wished to convert to a dwelling (Use Class C3) under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015.

The application was refused on the basis that the proposal would not be permitted development, for three reasons:

1. That it failed to comply with the provisions of Paragraph Q.1(a), which provides that development is not permitted by Class Q if, amongst other things, the building was not used solely for an agricultural use as part of an established agricultural unit on 20 March 2013 or, in the case of a building which was in use before that date but was not in use on that date, when it was last in use.
2. That it failed to satisfy the requirements of Paragraph Q.1(b) in that the physical works to carry out the proposed change would go beyond the building operations reasonably necessary to convert the building.
3. That the curtilage of the proposed dwelling would exceed the restrictive limit described in Paragraph X of Schedule 2, Part 3 of the GPDO.

With regard to the first reason, the Inspector noted that whilst neither the building nor the land had been intensively used for agricultural purposes in recent years, there is no requirement for the building to be currently in agricultural use. He did however note that the building has been used to store domestic paraphernalia, and whilst this may not constitute

'a material change of use', Class Q of the GPDO does not permit any intervening use, or mixed-use, whether short or long-term. He therefore concluded that the appeal building was, at least in part, being used for some non-agricultural purpose, and it had not been demonstrated that the building had been used solely for agricultural purposes as part of an established agricultural unit. The proposal did not therefore satisfy the requirements of Paragraph Q.1.(a) of Schedule 2, Part 3, Class Q of the GPDO, and is not therefore permitted by it.

In terms of the second reason, the Inspector noted that the proposed works to the building included the replacement of the lower blockwork walls with new brickwork, the replacement of the existing corrugated sheeting with insulated larch board cladding for the walls and proprietary insulated panelling for the roof, and the installation of new external doors and windows, as well as various interior works. Effectively, the only remaining parts of the existing structure which would be retained would be the timber framework and the concrete floor slab. He therefore concluded that, taken as a whole, the building operations which would be required to provide a building suitable for residential use would be extensive and significant. In his view these were cumulatively so extensive that they would be more akin to a rebuild than a conversion of the existing buildings.

Finally, in terms of the third reason, the Inspector noted the larger 'red line' boundary and the smaller 'garden curtilage'. He concluded that, had the development been acceptable in other regards, it would be possible to impose a condition that the permitted change of use was limited to the smaller area.