



## Appeal Decision

Site visit made on 30 August 2022

by **Rachel Hall BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 04 October 2022**

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**Appeal Ref: APP/P1045/W/22/3298773**

**Waldley Manor Farm Barn, Waldley Manor Farm, Waldley Lane, Waldley, Doveridge DE6 5LR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
  - The appeal is made by Penlee Limited against the decision of Derbyshire Dales District Council.
  - The application Ref 21/01185/PDA, dated 20 September 2021, was refused by notice dated 18 November 2021.
  - The development proposed is conversion of existing agricultural building to three dwelling houses with associated building works as shown on drawings: YBD31201-P-001, 002, 005, 006A, 006B, 010, 011A, 011B.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. Schedule 2, Part 3, Paragraph W of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) states that the local planning authority may refuse a prior approval application where the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified as being applicable to the development in question. It was on the above basis that the Council refused to grant the prior approvals.
3. The proposals relate to Schedule 2, Part 3, Classes Q(a) and (b) of the GPDO, which enable the change of use and conversion of an agricultural building to a dwellinghouse. That is subject to certain limitations, paragraph Q.1, and conditions, paragraph Q.2. The first main issue is whether it has been demonstrated that the proposed building operations would be reasonably necessary to convert the building to residential use under Schedule 2, Part 3, Class Q of the GPDO.
4. The Council's decision notice also refers to the impact of the proposal on the setting of Waldley Manor and the adjacent barn. As such, the second main issue is whether the proposal would be acceptable with respect to design and external appearance, with specific regard to the setting of the grade II listed Waldley Manor Farmhouse (the Farmhouse) and adjacent barn (the Barn), and therefore whether condition Q.2.(1)(f) has been met.

## Reasons

### *Whether reasonably necessary*

5. The Planning Practice Guidance (the PPG) confirms that the right under Class Q permits building operations which are reasonably necessary to convert the building, which may include those which would affect its external appearance and would otherwise require planning permission. It clarifies that it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is suitable for conversion to residential use that the building would be considered to have the permitted development right.
6. The PPG also references that it may be appropriate to undertake internal structural works, including to allow for a floor, insertion of upper floors or internal walls. Whether or not the proposed works go beyond the scope of conversion is a matter of fact and degree and requires an element of judgement. The PPG advises that the installation or replacement of windows and exterior walls, to the extent reasonably necessary for the building to function as a dwelling house, could fall within works permitted under the Class Q permitted development right.
7. The existing barn is enclosed on three sides. On two of these elevations the bottom section of the enclosure comprises concrete thrust panels which would be retained and rendered. On the long elevation, windows would be inserted above the panels, and additional timber cladding would be added to the existing battens. On the third enclosed elevation, the bottom section of the wall is comprised of concrete blockwork. The Structural Report prepared by Yes Engineering (dated August 2021) (the Report) references evidence of impact damage to this wall. This was evident at my site visit. As such, works of repair would be required to that section of wall before the proposed rendering. Additional timber battens are proposed to be inserted above.
8. The long elevation that is entirely open is proposed to be filled with full height glazed windows and doors. In addition the roof is to be replaced with insulated panels, the underside of which would provide the ceiling. The Report finds that the building overall is in good condition and capable of conversion with limited maintenance work required. That is the professional opinion of the surveyor who prepared the Report.
9. In determining the appeal I have had regard to the judgement handed down in *Hibbitt v SSCLG* [2016] EWHC 2853 (the Hibbitt judgement). This addresses the extent to which building operations to facilitate residential use may be considered to amount to conversion of the relevant agricultural building. Briefly summarised, it explains that where the nature of works proposed would be so fundamental as to effectively result in a rebuilding of the relevant building based on planning judgement, this is not permissible. It further clarifies, however, that the extent of works proposed is not in itself dispositive but rather a factor in determining whether the works proposed are part of a conversion.
10. The barn to which the Hibbitt judgement related was largely open on three sides. In contrast, the appeal building is largely enclosed on three sides. I note that elements of the appeal building would need to be replaced, and local

rebuilding is likely required in respect of the blockwork on one elevation. Installation of the full height glazing on the long elevation would be a new enclosure to that elevation. However, it is proposed to be self-supporting, without requiring additional structural elements to the existing building. Furthermore, much of the existing fabric of the building would be retained, with additional timber cladding added alongside existing cladding. Rendering and internal insulation would be added to make the building suitable for residential use.

11. Therefore, in the circumstances of this case and as a matter of fact and degree, the works would be reasonably necessary and not so extensive as to constitute rebuilding. I therefore conclude that the appeal proposal is permitted development with reference to the requirements of Schedule 2, Part 3, paragraph Q.1.(i) of the GPDO.

#### *Design and external appearance*

12. The Farmhouse is distinctive with sections of close ribbed and diagonal timber framing contrasting with white render. The Barn appears to have been converted to residential use but retains its distinctive stone coped gable and an elevation of timber framing under a plain tile roof. Insofar as it is relevant to this appeal, their significance is primarily derived from their architectural interest and historic association with a working farmstead.
13. The appeal building is prominent within the site, being adjacent to the access to the Farmhouse from Waldley Lane. As such, whether or not it was originally part of the grounds or curtilage of the Farmhouse and Barn, it is highly visible from the immediate surrounds of the Farmhouse. Although the existing appeal building is modern in comparison to the listed buildings, it has a simple, functional agricultural appearance. Consequently, it has some historic resonance with the listed buildings and their historic role in this rural setting.
14. The extent of proposed changes to the appeal building has been scaled back from the scheme previously dismissed at appeal (Ref APP/P1045/W/19/3231110). The use of full height glazing would retain the simple form of the building and a degree of transparency to that elevation. However, there would be substantial areas of stained grey cladding and grey render, along with dark framed windows. These would appear incongruous given the site's rural setting, emphasised by the building's substantial scale and prominence within the site.
15. In addition, the introduction of tarmac and concrete slab paving for parking and pedestrian access would create an unduly domesticated appearance. These would be positioned prominently within the site, eroding its pleasing rural character and creating a considerably more suburban one. This would appear at odds with the rural setting of the listed buildings. Therefore, even were the scheme to be toned down through use of a more natural palette of colours on its elevations, the harsh design of the proposed external areas, together with the addition of residential paraphernalia, would be to the detriment of the setting and significance of the Farmhouse and Barn.
16. Paragraph 199 of the National Planning Policy Framework (Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Since the proposal relates to the setting of a listed building, I have had special

regard to section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed development would be harmful to the special historic interest of the grade II listed buildings. This would have a negative effect on the significance of these designated heritage assets. This would equate to less than substantial harm. In such circumstances this harm should be weighed against the public benefits of the proposal.

17. The proposal would provide three private dwellings. The construction of the dwellings would provide short term benefits to the local and wider economy and the occupants would be likely to boost local spending, labour supply and help support local services. These would constitute fairly modest benefits in social and economic terms. Reference is made to the ability of the appeal scheme to help fund repairs to the listed Farmhouse. However details in this respect are highly limited. For example, no information is provided on the extent and cost of repairs required in comparison to the anticipated profit from the appeal scheme. Therefore I afford this limited weight.
18. I acknowledge the appellant's intention to scale back their farming activities on site and their reasons for this, which may reduce noise and smells for neighbouring houses. However, such changes would not necessarily be dependent on the appeal scheme. Moreover, farming activities are to be expected in this setting and make a positive contribution to the local economy.
19. Overall, the public benefits outlined above do not outweigh the harm to the significance of these heritage assets. There is no clear and convincing justification for the harm to the designated heritage assets as required by paragraph 200 of the Framework. Therefore, the proposal would not be acceptable with respect to design and external appearance, with specific regard to the setting of the grade II listed Farmhouse and Barn. Accordingly, condition Q.2.(1)(f) of the GPDO has not been met.
20. Consequently, the proposal would be contrary to Policies PD1 and PD2 of the Derbyshire Dales Local Plan (December 2017) which, amongst other matters, seek to ensure proposals contribute positively to the character and identity of their setting. It would also be contrary to the historic environment chapter of the Framework.

### **Conclusion**

21. For the reasons given, the appeal should be dismissed.

*Rachel Hall*

INSPECTOR