

GROUND OF APPEAL STATEMENT

LPA REF : DET/2021/0041

APPELLANT : MR S MOSS

**ADDRESS : WILLOWSHAW FARM, CLOUDSIDE,
CONGLETON, CW12 3QQ**

**PROPOSAL : PRIOR APPROVAL UNDER PART 3,
CLASS Q OF THE TOWN & COUNTRY
PLANNING (GENERAL PERMITTED
DEVELOPMENT) (ENGLAND) ORDER 2015 FOR
THE CHANGE OF USE, INCLUDING
OPERATIONAL WORKS FROM AGRICULTURAL
BUILDING INTO 2 DWELLINGS**

DATE : MARCH 2022 JOB No. : 2020-2545

APPENDICES

APPENDIX 1 – PLANS AND DOCUMENTS RELATING TO MIDDLE HULME GRANGE APPLICATION
REFERENCE DET/2016/0002

APPENDIX 2 – PLANS AND DOCUMENTS RELATING TO BARN OFF STUD LANE, ABBERLEY
APPLICATION REFERENCE 21/00193/GPDQ

APPENDIX 3 – APPEALS APP/W3330/W/21/3268761 & APP/B3030/W/19/3223635

APPENDIX 4 – PLANS AND DOCUMENTS RELATING TO BIDDULPH PARK ROAD, RUSHTON SPENCER
APPLICATION REFERENCE DET/2018/0016

APPENDIX 5 – PLANS AND DOCUMENTS RELATING TO HAYES GATE FARM, STAR BANK, OAKAMoor
APPLICATION REFERENCE DET/2018/0002

APPENDIX 6 – AMENDED PLAN DRAWING NUMBER 2020-2545-18B FLOOR PLANS & ELEVATIONS

APPENDIX 7 – HOUSING SUPPLY ANNUAL UPDATE

1.0 INTRODUCTION

1.1 This statement sets out the appellants' case in respect of an appeal against the refusal by Staffordshire Moorlands District Council to grant prior approval for the change of use of an existing agricultural building into two dwellings at Willowshaw Farm, Cloudside, Congleton.

1.2 The appeal application was given reference DET/2021/0041 and was refused for the following reason on 29th December 2021:-

“1. The design and external appearance of the building, due to its scale, form and finishing materials is of poor design and quality and detracts from the character and appearance of the site and surrounding rural area. The proposal, by retaining these features of the building and incorporating them within the proposed development, would result in a residential development with a poor design and appearance which would further harm the appearance of the area and therefore would fail to comply with Part 3 Class Q2(1)f of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as well as policy DC1 of the adopted Staffordshire Moorlands Local Plan 2020 and the design policies of the NPPF.”

1.3 This appeal follows the refusal of a previous Class Q application which sought consent to change the use of two agricultural buildings on the site to four dwellings under application reference DET/2021/0019 and which was refused on the 23rd June 2021 for the same reason as that set out above. An appeal against that refusal has been lodged with the Planning Inspectorate under reference number APP/B3438/W/21/3289709 and is currently being processed.

2.0 GROUNDS OF APPEAL

2.1 Given that the reason for the refusal of the appeal scheme is identical to the appeal scheme which is currently being considered by the Planning Inspectorate (APP/B3438/W/21/3289709) the grounds of appeal remain the same. However in the interest of expediency and completeness they are confirmed below as:

Ground 1 The proposed development relates to the conversion of an existing agricultural building and is therefore is permitted development under Schedule 2, Part 3, Class Q of the General Permitted Development Order 2015 (as amended 2018). The appeal building is an existing building which was constructed in the mid 1980's. Its size, scale, form, design and materials have long been accepted and evident within the landscape and its conversion to residential purposes as permitted under the above legislation would not result in any further or additional landscape harm. The extent of which the appellant can vary the design of the appeal building under the aforementioned legislation is limited and previous applications within the Staffordshire Moorlands which have proposed recladding similar buildings with timber or stone have been refused on the grounds that such works are tantamount to new build and outside the scope of the legislation.

2.2 The case for the appellant in respect of the above ground for appeal is set out in detail in section 6 of this statement.

3.0 APPEAL SITE & SURROUNDING AREA

3.1 Willowshaw Farm is a working farm which lies on the south eastern side of Cloudside. It comprises of a traditional stone and tile farmhouse with adjoining two storey traditional barn and a range of more modern portal farm buildings and working farmyard. The site lies close to the junction of Cloudside with Dial Lane and the area is characterised by sporadic groups of dwellings on this side of the valley with the land falling away in a north west to south east and south west to north east direction. For the purposes of the development plan the application site lies within the North Staffordshire Green Belt.

3.2 For the purposes of this appeal the appeal building comprises of a clear open span building which lies to the north west of the farmhouse and attached barn. The appeal building has a pitched roof and is of substantial and permanent construction. It is constructed from a steel portal frame comprises of 2 rows of central columns breaking the span of the frame in to 3 spans with a timber mezzanine deck either side of a central corridor. Insitu concrete side walls are present between the external

steel columns up to approx. 2m in height, timber purlins and side rails supported a corrugated cement board sheet cladding. A smaller portal frame building lies to the south west between the appeal building and the farmhouse and attached barn.

4.0 THE APPEAL PROPOSAL

4.1 The appeal scheme sought prior approval under Part 3 Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (As Amended) for the conversion of the agricultural building with associated building operations to form 2 separate dwellings.

4.2 The appeal scheme as submitted would provide two larger dwellinghouses each comprising of an open plan living, kitchen, dining room with ground floor ensuite bedroom, entrance lobby and utility room and two further bedrooms on a mezzanine level above.

4.3 As well as the change of use of the building the appeal proposal seeks approval for the associated operational development necessary to convert the building into two dwellings. More, specifically, the proposals include the:-

- Demolition of the adjacent building
- Installation of new door and window openings within the exterior walls,
- A new blockwork leaf is to be formed internally around the perimeter creating a cavity which will be insulated.
- External concrete panels are to be retained.
- Wall and roof sheeting are to be retained.
- A new ceiling is to be installed over bedroom areas. New timber binders are to be fixed between steels with the voids between infilled with insulation before a plasterboard lining is applied below new timbers and steel rafters.
- The existing concrete ground floor slab is to be replaced with new insulated floor.
- Electric and water supplies are currently on site and will be adapted to suit.
- New internal walls to create habitable rooms.
- The existing hardstanding surrounding the building is to be removed and replaced with garden curtilages and parking areas. The existing vehicular access is to be retained and used.

5.0 PLANNING POLICIES & GUIDANCE

5.1 This appeal relates to a change of use of agricultural building to two dwellings with details of associated operational development. The appeal has been made in order to determine whether or not the prior approval of the Council is required before the development can proceed in accordance with the provisions of Part 3 Class Q of The Town & Country Planning (General Permitted Development) (England) Order 2015.

5.2 Class Q of Schedule 2 of the GPDO permits development consisting of the change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order (Class Q(a) development). Additionally, Class Q permits building operations reasonably necessary to convert the building to a use falling within Class C3 use (Class Q(b) development).

5.3 The General Permitted Development Order also defines "development not permitted", and this states that: -

Development is not permitted by Class Q if -

Q1 (i) the development under Class Q(b) would consist of building operations other than -

(i) the installation or replacement of -

(aa) windows, doors, roofs or exterior walls, or

(bb) water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse; and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).

PLANNING PRACTICE GUIDANCE

5.4 The Planning Practice Guidance provides formal guidance on how to interpret the legislation. Paragraph: 105 Reference ID:13-105-20180222: Revision date 22.02.2018 states:-

Building works are allowed under the right permitting agricultural buildings to change to residential use: Class Q of Part 3 of Schedule 2 to the Town & Country Planning (General Permitted Development) (England) Order 2015, as amended. However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are “reasonably necessary” “to convert the building”, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roof, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary to carry out these building operations. 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 already suitable for conversion to residential use that the building would be considered to have the permitted development right.

5.5 For a discussion of the difference between conversions and rebuilding, see for instance the case of *Hibbitt and another v Secretary of State for Communities and Local Government* (1) and *Rushcliffe Borough Council* (2) [2016] EWHC 2853 (Admin).

5.6 Internal works are not generally development. For the *building to function as a dwelling it may be appropriate to undertake internal structural works, including to allow for a floor, the insertion of a mezzanine or upper floors within the overall residential floor space permitted, or internal walls, which are not prohibited by Class Q.*

5.7 Paragraph: 109 Reference ID: 13-109-20150305 | Revision date: 05 03 2015 states:

When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval. There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally, the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.

5.8 When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant.

6.0 CASE FOR THE APPELLANT

6.1 The appeal relates to an application for the change of use of an agricultural building and associated operations under Paragraphs Q (a) and Q (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). There is no dispute between the parties with regard to the compliance of the scheme with all the criteria in paragraph Q.1 and with paragraph Q.2 (a) to (e) and (g).

6.2 The sole and only reason for refusal relates to the fact, that in the council's opinion the appeal proposal would not comply with Condition Q.2 (1) (f) of the legislation as the design and external appearance of the building, due to its scale, form and finishing materials is of poor design and quality and detracts from the character and appearance of the site and surrounding rural area.

6.3 The agricultural building that is the subject of this appeal is a modern steel portal frame building which consists of 2 rows of central columns breaking the span of the frame in to 3 spans with a timber mezzanine deck either side of a central corridor. Insitu concrete side walls are present between the external steel columns up to approx. 2m in height, timber purlins and side rails supported a corrugated cement board sheet cladding.

6.4 In terms of size and scale the appeal building is existing and has been so since 1985 when it was erected with the adjacent building proposed for demolition erected approximately 10 years earlier in the mid 1970's. The appeal building has therefore been an existing feature of the landscape for nearly 4 decades. Its overall size, scale, form and design has obviously been dictated by its existing use and purpose and it is not uncommon for these types of buildings to be constructed from the materials specified above.

6.5 No extensions are proposed as part of the appeal scheme and the conversion would be undertaken entirely within the shell of the appeal building, as required by the earlier parts of the legislation. It is important to note that the maximum floor area which can be converted under a Class Q application would be 865 sq metres (comprising of one larger dwelling at 465 sq metres and four smaller dwellings being 100 sq metres). The appeal building would provide two units which would be identical in terms of size with a ground floor area of 122 sq metres and a first floor area of 66 sq metres giving an overall floor area of each unit of 188 sq metres or 376 sq metres for the two units combined. This means that the floor area of the buildings being converted would be some 489 sq metres less than the maximum permitted by the legislation. It is therefore difficult to understand how the scale of such buildings could be considered excessive given that they are below the maximum size indicated. Indeed if the government considered this to be the case then they would not have allowed the recent amendments under this legislation to be increased from the previous allowance of 450 sq metres and 3 dwellings.

6.6 In addition it should be noted that the council have granted approval under Class Q for conversion of similar sized buildings such as that approved at Middle Hulme Grange (9.1m x 18.4m x 5.65m to eaves and 8.25m to ridge) which was the same length as the appeal building, marginally narrower but considerably (2.15m) higher

than the current appeal building (copy drawings and decision notice attached at Appendix 1). Similarly the Planning Inspectorate recently allowed an appeal for a Barn at Stud Lane, Abberley under reference APP/J1860/W/21/3275425 for a building which measures 21m x 17m therefore having a larger footprint than the appeal building (357 sq metres compared to 272 sq metres). Whilst it is acknowledged that only part of that building would be converted to residential use with the remainder being retained as an agricultural feed and plant store the floor area of the allowed change of use equates to some 362 sq metres which is no dissimilar to the appeal scheme at 376 sq metres. In addition the fact that only part of the building is being converted and that the remainder is being retained (and not demolished like the current appeal scheme) means that the overall size and scale of the building allowed at appeal at Stud Lane, is considerably more than the appeal building before you now. Copies of drawings, documents and appeal decision relating to the appeal scheme at the Barn at Stud Lane, Abberley have been attached at Appendix 2. The size and scale of the appeal building is therefore considered to be comparable to other buildings which have been permitted for conversion under Class Q legislation by both the Local Authority and the Planning Inspectorate.

6.7 The delegated case officer report acknowledges the changes which have been made to this appeal scheme in terms of the design and external appearance from the scheme previously submitted and refused and now the subject of a separate appeal under reference APP/B3438/W/21/3289709. However the report concludes by stating that “I do not consider the changes to the new scheme in reducing the size of the building and adding further glazed areas (the same type as previous) and timber cladding would lead to any improvement to the appearance of the building. Despite the reduction in size, the bulky portal frame warehouse form and materials remain and dominate the building despite being broken up by timber panels. I therefore consider that this new application should be refused for the same reason as before.”

6.8 As with the submitted appeal for the previous scheme (APP/B3438/W/213289709) the arguments in relation to the above largely remain the same however for ease they are replicated again here. The appeal building is

not particularly large, or bulky especially by modern farming standards. The appeal building measures 14.8m 18.4m with a reasonably low eaves height of 4m and a shallow roof pitch giving an overall height of just 5.5m. The adjacent building to be demolished as part of the appeal scheme measures 9.16m x 18.4m x 4.1m to eaves and 6.1m to the ridge giving a resultant cubic volume of some 870 cu. metres. Its demolition as part of the appeal scheme therefore significantly reduces the overall bulk, size and scale of the buildings and significantly reduces the amount of built development on the site resulting in a significant enhancement to the site in terms of openness and visual amenity.

6.9 The provisions of Class Q clearly permits the conversion of all agricultural buildings, subject to compliance with the necessary criteria, without any differentiation or discrimination between more traditional stone and tile buildings and more modern portal frame buildings. Indeed as most Local Authorities development plans contain policies which would permit the conversion of these more traditional buildings it could be argued that the provision of Class Q legislation is specifically aimed at the conversion of more untraditional buildings for which no policy provision normally applies. Indeed such a view is supported by recent appeal decisions which include conversion of a commercial greenhouse and polytunnels associated with a mushroom growing business (see Appendix 3).

6.10 Whilst the Council's assessment of the external appearance of the building is acknowledged, although not agreed with, this is the case for many agricultural buildings throughout the Staffordshire Moorlands and the country as a whole and it must therefore be the Government's intention that, in principle such buildings can remain in the landscape and serve a new function as dwellings.

6.11 In addition it should be noted that when a local authority considers the design and external appearance it should only apply tests from the National Planning Policy Framework to the extent these are relevant to the subject matter of the prior approval. The permitted development right allows for the conversion of agricultural buildings and this should be taken as the starting point in assessing the design and external appearance.

6.12 The existing building is comprised of a mix of materials common to many agricultural buildings. The proposed development retains the existing materials through the conversion of the building, and in addition to these existing materials the development simply proposes the introduction of new windows along with elements of timber cladding. The timber cladding is a direct response to address the previous refusal on the site and the introduction of the timber panels (of differing sizes on all four elevations) breaks up the massing of the appeal building by interrupting the existing sheeting. This is an acceptable materials mix which is often found in the conversion of modern agricultural buildings and cannot reasonably be considered as incongruous in the context of an agricultural building that is changing use to a dwelling through the exercise of Class Q permitted Development Rights. Overall it would successfully integrate into the surrounding rural landscape and would not be unduly domestic or incongruous.

6.13 Minimal changes to the external appearance of the appeal building are proposed as part of the appeal scheme. This is because similar applications under Class Q which have been considered by Staffordshire Moorlands District Council have been considered and refused when alterations to external treatments have been suggested on the grounds that such works go beyond conversion and are tantamount to new build. In order to avoid this the appeal proposal sought to convert the appeal building within its shell retaining the external roofing and facing materials. Both of these materials are already evident on the existing building and would reflect materials commonly found on modern agricultural building and which can be observed on other barns and buildings within the locality. As such the use of these materials would be sympathetic to the agricultural character of the building. In essence the appeal scheme would largely replicate the existing character of the buildings albeit with areas of new glazing, timber panelling and the introduction of new window openings.

6.14 Similar design objections were levied by Staffordshire Moorlands District Council against a similar class Q application (DET/2018/0016 – copy attached at Appendix 4) for a site at Biddulph Park Road, Rushton Spencer which lies close to the appeal site. Indeed the delegated officer report for that application states that “with regard to appearance and design, the building is a conventional modern

agricultural building with a purely functional design for the purposes of sheltering cattle and storing agricultural equipment and vehicles. It does not have any architectural merit and although modern farm storage buildings are found elsewhere in the countryside, they do not necessarily compliment the character and appearance of their surroundings and are provided purely due to the agricultural needs of their localities. There are also many older more traditional farm buildings in the countryside which have a form and materials which harmonise and add to the character and appearance of the countryside and which can be converted to dwellings without significant modification. The building proposed for this particular conversion has concrete and metal sheet finishes and large openings for vehicles or groups of cows and requires substantial alterations for it to function as a dwellinghouse, comprising several new 'full length' windows in the large expanses of solid wall in order to let in light. These also have a modern domestic appearance which is also out of keeping with the immediate rural surroundings. Furthermore, the cladding of the concrete walls with sandstone would not significantly improve the appearance of the building which would still maintain the shape and form of a modern storage building but with alterations which make it appear overall as neither a dwellinghouse or farm storage building. The building is also highly visible in the landscape which is very open and where there is no tree screening. The west and south elevations where much of the changes would be made, is particularly visible from the nearest road. I do not consider the building has an acceptable design and appearance for a dwellinghouse in a prominent position either with or without the alterations."

The above application was ultimately refused for the following reason:

"The design and appearance of the proposed development would result in a building which does not harmonise with the character and appearance of the surrounding rural area and would be harmful to the visual amenities of the area. It would conflict with government planning guidance contained in Section 7 'Requiring Good Design' of the National Planning Policy Framework (NPPF)."

A subsequent appeal (APP/B3438/W/18/3213392) was allowed on 16th May 2019 (copy attached at Appendix 4). The pertinent points of the Inspectors decision are contained in paragraphs 7 and 8 where the "notable mass" and "prominence" of the

building are acknowledged and that the “addition of sandstone cladding to the concrete lower walls of the building would have a minor positive effect on its appearance and counterbalance the moderately domesticating influence of new glazing”.

6.15 In the appeal decision at Hayes Gate Farm, Oakamoor (reference APP/B3438/W/3202031- copy attached at Appendix 5) the council argued (para 22) that the building was not one which was intended to have a permanent presence on the landscape, being of utilitarian design and built for its functional use as an agricultural building.” It goes on to state at paragraph 25 that “the Council further argues that the application still proposes a development which, if allowed, would extend the life of a building which was never meant to be permanent, and which would be incongruous with an area of high landscape sensitivity where development should be of a high standard and sensitive to the heritage and landscape of the area.” Notwithstanding this the Inspector held (also in paragraph 25) that the fact that the proposal would extend the life of a building is not, of itself, a relevant consideration under Class Q and that as there was no evidence to indicate that the building was unlawful or should not benefit from the permitted development rights under Class Q, which as its starting point grants permission for agricultural buildings to be converted to dwellings, and it must therefore be the Government’s intention that, in principle such buildings can remain in the landscape and serve a new function as dwellings. In summing up the Inspector held (paragraph 26) that the “proposal would serve to improve the appearance of the building relative to its current form. Overall, it would have a negligible effect on the character and appearance of the wider landscape, given it would be no greater in size, would largely maintain the existing shape and materials, and the agricultural appearance already well established in the landscape. Views of the building would be mainly from the road or the public footpaths to the west, from where the building would continue to be seen within a context of several farm buildings. It would not therefore significantly alter the wider appearance of the surrounding landscape”

6.16 It is considered that a number of factors are directly compare with these two appeal decisions. Firstly the size, scale and overall form and design of the appeal building at Hayes Gate Farm, is not dissimilar to that at the appeal site. Secondly

the prominence of the appeal building in Biddulph Park Road case is not dissimilar from that which is the subject of this appeal. Finally, as in the Biddulph Park Road appeal, alterations to improve the external appearance of the appeal building have been proposed with the introduction of timber panelling included as part of the appeal scheme. If the Inspector considers that a more appropriate treatment would be to clad the lower parts of the building with sandstone as in the Biddulph Park Road appeal then the appellant is happy to do so. Having regard to the Wheatcroft principle an amended plan numbered 2020-2545-18B which shows this is attached at Appendix 6.

6.17 As noted above there are only a couple of residential properties located close to the appeal site and other dwellings in the surroundings area are interspersed along the lanes. It is clearly the case that the size, scale, and design of the appeal building does not correspond with other dwellings within the proximity of the site or within the surrounding area.

6.18 However the proposal is for the conversion of a building which has featured within the landscape for the last 4 decades or so. Inevitably it is not going to correspond with the design and scale of existing dwellings in the area. Although the new dwellings would appear different to the design of other nearby properties it is not considered that the degree of change would be harmful. Furthermore, the demolition of the adjacent building and opening up of the site, as well as the removal of large areas of hardstanding and agricultural equipment, paraphernalia and storage which surrounds the appeal building which would also be removed as part of the appeal scheme would also provide an overall visual enhancement to the site.

6.19 Furthermore, it is also important to note that if the appeal scheme is dismissed then the appeal building will not simply disappear as it will continue to be used for agricultural purposes and therefore continue to remain a feature within the landscape.

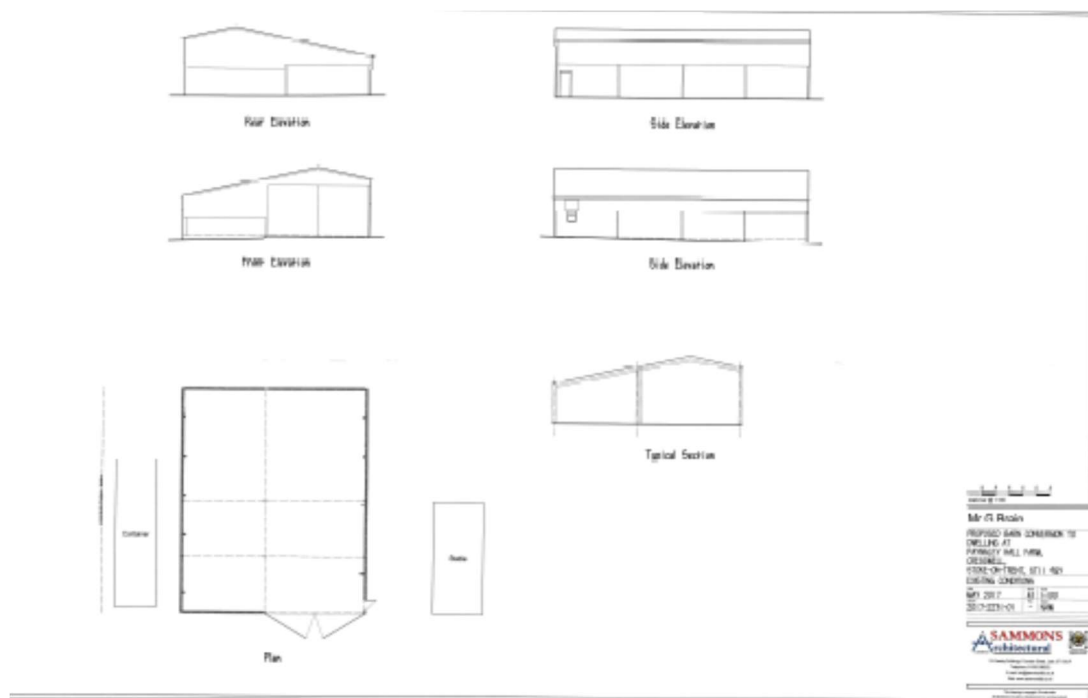
6.20 To function as new dwellings, which the permitted development right allows, it is not possible to retain the building in its current form with limited openings and access points. It is inevitable that there would need to be a degree of change to the design

and external appearance of the building which would take its visual appearance away from which is currently a functional agricultural building.

6.21 The windows and doors proposed would be of a general size and design that would be appropriate in the content of the size of the building on which they would be positioned. The design and external appearance proposed would result in a sympathetic conversion of the building for residential use and it would be appropriate in its surrounding context. It is also considered that the proposed fenestration helps break up the mass of the elevations giving it a light, airy appearance.

6.22 It is important to note that similar fenestration treatments for Class Q applications have indeed been accepted by both Staffordshire Moorlands District Council and the Planning Inspectorate. Application reference DET/2017/0022 relates to a Class Q prior notification application for an agricultural barn at Paynsley Hall Farm, Sandon Road, Staffordshire. The application was submitted and approved by Staffordshire Moorlands District Council on 21/09/2017. That application is relevant in providing an illustration of an acceptable scheme design; when considering what the Council might deem to be an excessive number of window openings and wide expanses of glazing.

Paynsley Hall Farm as existing



Paynsley Hall Farm as Approved

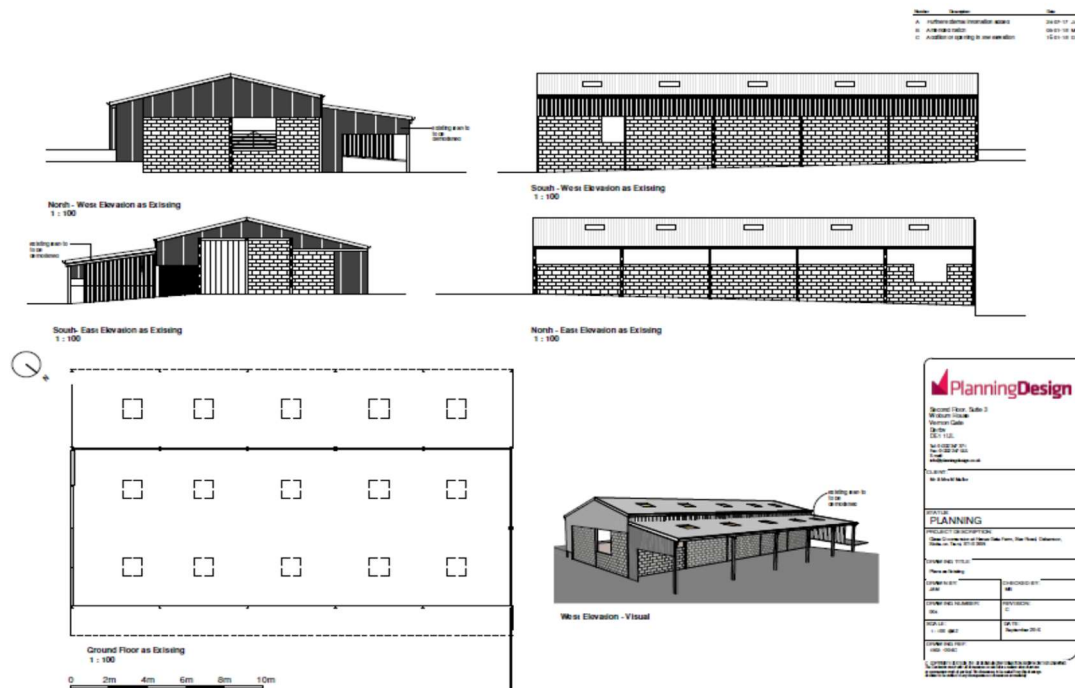


6.23 Whilst the barn conversion at Paynsley Hall Farm is smaller than the barn that is the subject of this appeal, the approved drawing(see screenshot above) shows that the proposed Lounge area is served by a total of 5 window openings, which incidentally is more than the appeal proposal seeks, all of which are new openings. The Kitchen / Family room is served by 3 windows, 2 of which are new openings and one of which uses an existing opening to provide a full height, large area of glazing.

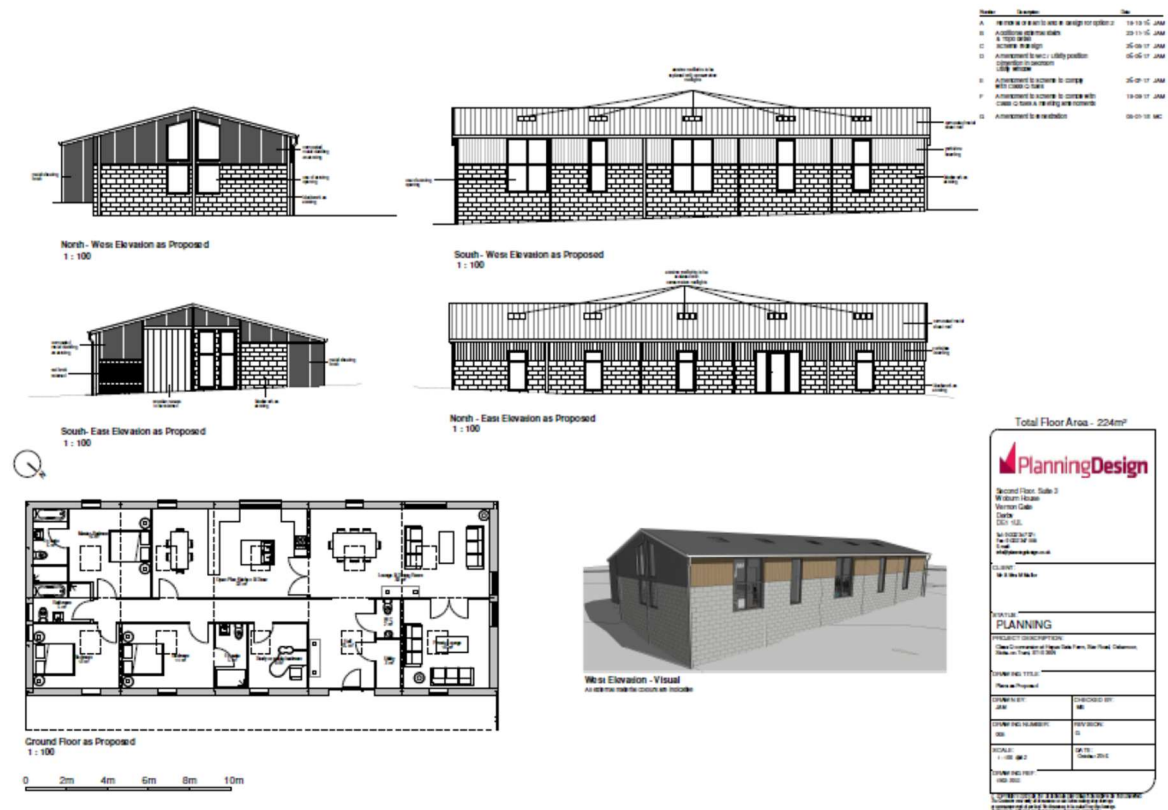
6.24 A similar design objection was levied by Staffordshire Moorlands District Council against the Class Q proposal at Hayes Gate Farm Star Bank, Oakamoor (APP REF: APP/B3438/W/18/3202031 - see appendix 5) which again relates to a modern portal framed building similar in terms of design, form, and appearance to the appeal proposal. The council contended that many of the proposed openings are new and unnecessary, in that that they serve the same room. The Council further criticised the regular sized appearance, full height form, and very "domestic" appearance, which in its view, are not characteristic of a portal framed agricultural building.

6.25 Again screenshots below provide a useful comparison.

Hayes Gate Farm as existing:



Hayes Gate Farm as Proposed



6.26 When considering the appeal proposal (copy of decision attached at Appendix 5) at Hayes Gate Farm the Inspector held that "the very nature of a change from an agricultural building to a dwelling will invariably introduce a more domestic appearance in the form off windows and doors. The proposed fenestration has a regular and symmetrical form to the long elevations, which I consider respects the utilitarian design of the existing building. The full height form of the windows would not be uncharacteristic in my view, given the size of openings commonly found on agricultural buildings." He went on to state that "overall, the building would have a simple, ordered appearance in sympathetic materials, which would not to my mind, result in an unduly prominent or discordant building, but rather one which would maintain much of its existing agricultural character".

6.27 Contrary to the council's view that the appeal proposal would perpetuate the existing negative effect the building has on the character and appearance of the area it is the appellants view that the alterations to the building as proposed and its use as a dwelling would inject a new lease of life into the building that would enhance the appearance of the building and the wider site and therefore the wider character and appearance of the surrounding area. It is therefore respectfully suggested that the appeal proposal would not harm the design or the external appearance of the building and would not conflict with the requirements of paragraph Q (2)(f) of the GPDO nor would it conflict with Sections 12 and 15 of the Framework where they refer to achieving well-designed places and conserving and enhancing the natural environment.

6.28 Whist not directly relevant to the appeal scheme it is also noted that the recently published housing figures for the year up to April 2021 show that the Council cannot currently demonstrate a 5 year housing supply (see Appendix 7). This Authority has consistently under provided housing over the last 2 decades which has led to a chronic shortfall in the area. The proposed development would through the reuse of an existing rural building provide two additional dwellings which would contribute to this under provision.

7.0 CONCLUSION

7.1 In conclusion the permitted development right allows for the conversion of agricultural building and this should be taken as the starting point in assessing the design and external appearance. The existing building is comprised of a mix of materials common to many agricultural buildings. The proposed development retains the existing materials through the conversion of the building and in addition to these existing materials the development simply proposes the introduction of windows and doors and elements of timber panelling to help break up the mass of the building.

7.2 This is an acceptable materials mix which is often found in the conversion of modern agricultural buildings. The materials mix cannot reasonably be considered as incongruous in the context of an agricultural building that is changing use to a dwelling through the exercise of Class Q permitted development rights. Class Q does not limit the change of use of buildings based on the existing mix of materials and makes no distinction between modern and traditional buildings.

7.3 It is considered that the design and appearance of the building would be acceptable within its context. The proposal would serve to improve the appearance of the building relative to its current form. Overall the appeal building would be no greater in size, would largely maintain the existing shape and materials, and the agricultural appearance already well established in the landscape. It is however considered that the appeal scheme would have a positive effect on the appeal site and the wider surrounding area through the demolition of the adjacent building and opening up of the site, as well as the removal of large areas of hardstanding and agricultural equipment, paraphernalia and storage which surrounds the appeal building. Therefore it is concluded that the appeal proposal would be acceptable with respect to matter (f) of paragraph Q.2.(1) relating to the design or external appearance of the building.