

REPORT FOR DECISION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	20 June 2017
SUBJECT:	PLANNING APPEALS
REPORT FROM:	HEAD OF DEVELOPMENT MANAGEMENT
CONTACT OFFICER:	DAVID MARNO
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	<p>Planning Appeals:</p> <ul style="list-style-type: none"> - Lodged - Determined <p>Enforcement Appeals</p> <ul style="list-style-type: none"> - Lodged - Determined
OPTIONS & RECOMMENDED OPTION	The Committee is recommended to the note the report and appendices
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	N/A
Equality/Diversity implications:	No
Considered by Monitoring Officer:	N/A

Wards Affected:	All listed
Scrutiny Interest:	N/A

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

1.0 BACKGROUND

This is a monthly report to the Committee of the Planning Appeals lodged against decisions of the authority and against Enforcement Notices served and those that have been subsequently determined by the Planning Inspectorate.

Attached to the report are the Inspectors Decisions and a verbal report will be presented to the Committee on the implications of the decisions on the Appeals that were upheld.

2.0 CONCLUSION

That the item be noted.

List of Background Papers:-

Contact Details:-

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**Planning Appeals Lodged
between 15/05/2017 and 11/06/2017**



Application No.: 61220/PMBPA

Appeal lodged: 31/05/2017

Decision level: DEL

Appeal Type: Written Representations

Recommended Decision: Prior Approval Required

Applicant: Mr Roy Holland

Location Whittles Farm Barn, Turton Road, Tottington, Bury, BL8 3QQ

Proposal Prior approval for the proposed change of an agricultural building to 1 no. dwellinghouse (Class C3), and for associated operational development under Part 3 Class Q (a) and (b) of The Town And Country Planning (General Permitted Development) Order 2015

Total Number of Appeals Lodged: 1

**Planning Appeals Decided
between 15/05/2017 and 11/06/2017**



Application No.: 60186/FUL

Decision level: DEL

Recommended Decision: Split Decision

Applicant: Mr Guohua Zhong

Location: 45 Church Street, Ainsworth, Bolton, BL2 5RA

Proposal: A: Repositioning of existing flues at rear with addition of 1 no. flue

Appeal Decision: Dismissed

Date: 17/05/2017

Appeal type: Written Representations

B: Changes to elevations

Application No.: 60674/FUL

Decision level: DEL

Recommended Decision: Refuse

Applicant: Mr David Webster

Location: Birch Hey Farm, Turton Road, Tottington, Bury, BL8 3QG

Proposal: Convert and extend redundant piggery to 1 no. five bed dwelling house

Appeal Decision: Dismissed

Date: 06/06/2017

Appeal type: Written Representations

Application No.:

Decision level: DEL

Recommended Decision: Prior Approval Required

Applicant: Mr Andrew Winstanley

Location: Lower Dickfield Farm, Lower Dickfield, Helmshore Road, Ramsbottom, Bury, BL8

Proposal: Prior approval for the proposed change of 2 no. agricultural buildings to 2 no. dwellinghouses (Class C3) under part 3 class Q(a) of general permitted development order

Appeal Decision: Part allowed

Date: 19/05/2017

Appeal type: Written Representations



Appeal Decision

Site visit made on 10 April 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 17th May 2017

Appeal Ref: APP/T4210/W/17/3167741

45 Church Street, Ainsworth, Radcliffe, BL2 5RA

- 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 Guohua Zhong against the decision of Bury Metropolitan Borough Council.
 - The application Ref 60186, dated 30 May 2016, was refused by notice dated 25 July 2016.
 - The development proposed is changes to elevations inclusive of repositioning of flue pipes and signage.
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Decision

1. The appeal is dismissed in relation to the changes to elevations.

Procedural Matters

2. Whilst the description of the proposed development includes signage, I understand that this has been the subject of a separate advertisement consent application.
3. The Council issued a split decision, granting permission for the repositioning of existing flues at the rear with the addition of 1 no. flue, and refusing permission for the changes to elevations. Although under the provisions of Section 79(1)(b) of the Town and Country Planning Act 1990 the whole of the proposed development may be considered as part of the appeal, I am satisfied that the repositioning of existing flues at the rear with the addition of 1 no. flue is acceptable and see no reason to reverse or vary the planning permission granted by the Council in this regard.
4. I noted on my site visit that the proposed changes to elevations, as illustrated in plan reference 04/d, dated May 2016, have already taken place.

Main Issue

5. The main issue is whether the proposal preserves or enhances the character or appearance of the Ainsworth Village Conservation Area.

Reasons

6. Church Street runs through the centre of the Ainsworth Village Conservation Area. This eastern section of the road is lined with traditional two storey terraced properties. The appeal site is located on the corner of the final short terrace of four properties on the northern side of the Street.
 7. This terrace, along with the other properties further to the west on this side of Church Street, exhibit a variety of facing materials including brick, stone and rendered frontages. These properties are characterised by single tall narrow
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windows at ground and first floor levels which creates a reasonably consistent pattern and rhythm across the terraces. Whilst there is some variety in window configurations and materials, including the presence of ground floor shop frontages and the insertion of additional windows at first floor level, these alterations do not erode the vertical emphasis of window openings to an unreasonable degree.

8. The current appeal follows an earlier approval for alterations to the front and side elevations of the appeal building, which included the replacement of the existing separate ground floor door and shop front window with a larger combined door and shop front, and the replacement of the single window at first floor level with two smaller ones.¹ The proposed replacement first floor windows were similar in shape and design to those in the rest of the terrace.
9. Whilst the shop frontage currently in place generally reflects that approved, the two windows at first floor level are square with vertical and horizontal glazing bars and without the sill and head details included in the earlier approval. These windows do not reflect the appearance of those in the surrounding area and as a result have a jarring effect on the reasonably consistent pattern of first floor fenestration within the wider terrace. This is exacerbated by the clear visibility of the appeal property in views up and down this straight road. As a result, this aspect of the conservation area's character is diminished.
10. The need to replace the existing defective UPVC windows and the thermal efficiency of their replacements are appreciated. However the materials to be used in the approved windows were not specified and could also have been UPVC, so these facts do not provide support for the present case. The appellant also notes the variety of window and door materials used in the area, however in this case the primary concern is the discordant shape of the replacement windows.
11. I have some sympathy with the fact that the owner has made investments in this property, and that if the replacement of these windows is required there would be a financial strain on his family, including the possible closure of the business. However, such personal matters can have little bearing on my decision.
12. The Government attaches great importance to design. Furthermore, the statutory duty in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. In this case whilst the harm caused by the windows would be significant, it would be less than the substantial harm referred to by the National Planning Policy Framework. However, the public benefits that would accrue, including the matters referred to by the appellant, do not outweigh the harm to the significance of the designated heritage asset.
13. I conclude that the proposal does not preserve or enhance the character or appearance of the Ainsworth Village Conservation Area. In this respect it conflicts with the Ainsworth Village Conservation Area Appraisal and Management Plan 2008 which refers to the need to resist inappropriate alterations to windows and doors, and the Bury Unitary Development Plan 1997 Saved Policies EN1/1, EN2/1 and EN2/2 which seek to protect the character and appearance of conservation areas.
14. For these reasons the appeal is dismissed.

AJ Mageean INSPECTOR

¹ Application Reference 57415

Appeal Decision

Site visit made on 16 May 2017

by Nick Palmer BA (Hons) BPI MRTPI

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

Decision date: 06 June 2017

Appeal Ref: APP/T4210/W/17/3169597

Birch Hey Farm, Turton Road, Tottington, Bury BL8 3QG

- 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 David Webster against the decision of Bury Metropolitan Borough Council.
 - The application Ref 60674, dated 10 October 2016, was refused by notice dated 22 November 2016.
 - The development proposed is to convert and extend a redundant piggery to form a dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - i) whether or not the proposed development would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (the Framework);
 - ii) the effect of the proposal on the Green Belt;
 - iii) the effect of the proposal on the character and appearance of the area;
 - iv) whether or not there are other considerations weighing in favour of the proposal; and
 - v) if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether Inappropriate Development

3. Birch Hey Farm is an isolated dwelling in the open countryside within the West Pennine Moors and the Green Belt. It is set back from Turton Road and accessed via a drive. The appeal concerns a former piggery building which is to one side and to the rear of the house. This single storey building is of brick with a slate roof and is on higher land than the house.
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4. Permissions have previously been granted for conversion of the building into a dwelling in 2011 and 2015. The approved scheme would include partial excavation to provide a split-level ground floor and first floor accommodation within the roof space. The proposal seeks to provide a larger dwelling by fully excavating the site and providing a basement floor beneath the existing ground floor as an alternative to the approved accommodation within the roof space. The proposal, in common with the approved scheme proposes an extension that would project from the front elevation. This would not be as wide as the approved extension but it would be taller. Although the rear of the lower floor would be below ground level the full height and extent of the east facing elevation would be visible above the excavated ground level at the front.
5. Paragraph 89 of the Framework states that new buildings should be regarded as inappropriate in Green Belt but sets out a number of exceptions to this. One of those exceptions is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. The proposal would double the floor area of the existing building and would add a two storey extension. The Council's Guidance¹ for conversion of buildings in the Green Belt advises that in general terms extensions up to a third of the size of the original dwelling may be allowed but that proposals will be considered on their merits. The resulting building would be much larger than this and clearly of substantial scale in relation to the existing building. For these reasons the extensions would be disproportionate and would thus not fall within the stated exception in paragraph 89 of the Framework.
6. Paragraph 90 of the Framework provides for engineering operations to not be inappropriate development. The appellant has referred to a High Court case² which concerned a basement extension to a terraced house. In that case the judgement was that construction of a basement could amount to engineering as well as building operations. This does not mean that the construction of a basement is an engineering operation rather than a building operation but that both elements may be involved. No information is before me as to the extent of proposed engineering works and given that the proposal clearly involves building works it would not form an exception to inappropriate development on this basis.
7. For these reasons I conclude that the proposed development would be inappropriate development in the Green Belt. Paragraph 87 of the Framework states that such development is, by definition harmful to the Green Belt and paragraph 88 advises that substantial weight should be given to such harm.
8. Saved policy OL1/4 of the Bury Unitary Development Plan (UDP) (1997) states that the conversion and re-use of buildings in the Green Belt is not inappropriate development provided that it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it. These requirements differ from those set out in the Framework in that the latter requires that extensions are not disproportionate. The difference with national policy reduces the weight that I give to that policy but I nonetheless give it significant weight because its general aim is similar.

¹ Bury Development Control Policy Guidance Note 9: Conversion and Re-use of Buildings in the Green Belt (2007) paragraph 5.11

² Eatherley V London Borough of Camden v James Ireland (2016) EWHC 3108 (Admin)

Effect on Green Belt

9. The site is within an area of clearly open countryside where there is a general absence of development other than isolated buildings and clear views across the surrounding landscape. The absence of development is a characteristic of the Green Belt and in this context new built development would intrude on this openness.
10. The height of the existing building would not be altered and from the rear its existing appearance would be maintained. However from the front the appearance would be completely altered. Although the lower floor would be constructed as a basement it would be fully exposed to the front and the resulting development would thus have the appearance of a two storey dwelling from that direction. The new front wing would add significant bulk. The development would be much larger than the existing building and the effect of the extensions would be to give it the appearance of a new building rather than a conversion.
11. The building is associated with an existing group of buildings. As a new built development it would reduce openness as a matter of principle. In addition to this the building is on the edge of the group and at a high level and as such would be seen from the surrounding area. For these reasons the proposed development would be intrusive in the context of its open surroundings. It would harm the openness of the Green Belt and I give further substantial weight to that harm. The proposal would not accord with saved policy OL1/4 of the UDP in that it would have a materially greater impact on the openness of the Green Belt than the existing building.

Character and Appearance

12. The site is in the West Pennine Moors and a Special Landscape Area as defined in the development plan. I saw on my visit that this is a landscape which has particular value in terms of its scenic quality. There are some trees next to the house and in front of the piggery building but the aspect towards the road and a nearby dwelling adjacent to the road is generally open. The building is some distance back from the road but is at a higher level and the development would be likely to be visible from the road.
13. The development would have the appearance of a large two storey house from that direction. Its suburban character and its scale and bulk would be out of character with the open rural surroundings and would be intrusive in the landscape. The plans show a public footpath route which follows the site boundary and the development would be particularly dominant and intrusive when seen from that route. For these reasons the proposal would unacceptably harm the character and appearance of the area. I give significant weight to that harm.
14. Saved policy EN1/1 of the UDP requires that there is no detrimental effect on visual amenity in the Green Belt and Special Landscape Areas. Saved policy EN9/1 similarly requires that development in Special Landscape Areas is sympathetic to its surroundings and saved policy OL7/2 seeks to maintain the important character of the West Pennine Moors. For the reasons given the proposal would not accord with those policies.

Other Considerations/Very Special Circumstances

15. I have taken into account the matters raised by the appellant in support of the proposal but find nothing that would amount to the very special circumstances needed to outweigh the harms that I have identified.
16. I have found that the proposal would be inappropriate development which by definition is harmful to the Green Belt. Furthermore the proposal would harm the openness of the Green Belt and the character and appearance of the area. I have given substantial and significant weights to those harms. There are no very special circumstances that would justify the proposal.

Conclusion

17. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR

Appeal Decision

Site visit made on 25 April 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 19th May 2017

Appeal Ref: APP/T4210/W/17/3168025

**Lower Dickfield Farm, Lower Dickfield, Helmshore Road, Ramsbottom
BL8 4PD**

- 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 (as amended).
 - The appeal is made by Mr Andrew Winstanley against the decision of Bury Metropolitan Borough Council.
 - The application Ref 60866, dated 24 November 2016, was refused by notice dated 19 January 2017.
 - The development proposed is change of use of two buildings to form 2 dwellings.
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Decision

1. The appeal is dismissed insofar as it relates to building 2. The appeal is allowed insofar as it relates to building 1 and prior approval is granted under the provisions of Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) for the change of use of a building to form a dwelling at Lower Dickfield Farm, Lower Dickfield, Helmshore Road, Ramsbottom, BL8 4PD in accordance with the details submitted pursuant to Schedule 2, Part 3, Paragraph Q.2 (1) of the GPDO through application Ref 60866, dated 25 November 2016. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2 (3) of the GPDO.

Procedural Matters

2. Schedule 2, Part 3, Class Q(a) the GPDO permits development consisting of a 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. This appeal relates to Class Q(a) only.
 3. For completeness and clarity, I have used the address from the appellant's appeal form above, as this more accurately reflects the site's location. Furthermore for the same reasons, I have amended the description of development in my formal decision to reflect my findings. It reads "change of use of a building to form a dwelling".
 4. Having regard to the Council's reasons for refusal, it will first be necessary to consider whether or not the proposal would meet the relevant criteria for permitted development. If the proposal meets the relevant criteria for
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permitted development, it will then be necessary to assess the potential impacts of the proposal. The provisions of the Order require the local planning authority to assess the proposed development solely on the basis of its impact on transport and highways, noise, contamination and flooding risks on site and whether the location or siting of the building would make it otherwise impractical or undesirable for the building to be used as a dwellinghouse, taking into account any representations received. My determination of this appeal will be made in the same manner, save for matters relating to noise and flooding which I note the main parties' agreement on. I concur with their view.

Reasons

5. The buildings subject of this appeal form part of Lower Dickfield Farm which is to the north-west of Ramsbottom. The farm contains a two storey pitched roof residential dwelling. The northern of the two buildings subject of this appeal ("Building 1") is a portal frame building that was granted planning permission in 2010¹. Yorkshire boarding cover the elevations and metal profile sheeting the roof. There is a large central opening facing fields which extend to the east of the building. The other building lies in-between building 1 and the dwelling. It is constructed from stone and slate ("Building 2"). Building 2 has a split internal composition with large timber doors to the front. It is nevertheless a single building. Access from public footpath No 53 is by way of a concrete track that rises steeply. Public footpath No 53 extends to public footpath No 42. Both are also used as a vehicular access to a handful of properties.

Whether agricultural buildings and an established agricultural unit

6. Class Q only applies to existing agricultural buildings. Class Q.1.(a)(i) sets out that development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit on the relevant date. Schedule 2, Part 3, Paragraph X of the GPDO sets out the definitions of the site, curtilage, an agricultural building and established agricultural unit.
7. The site plan shows two buildings and a curtilage around each building in red which is immediately around the building and no larger than the land area occupied by the buildings. I consider that each building would meet the relevant definitions of the 'site' and 'curtilage'. Thus, I have approached this appeal on the basis that they are two separate sites.
8. The Council do not dispute that building 1 is in an agricultural use as per the definition of an agricultural building as set out in the GPDO. I understand the appellant raises and produces meat for sale and that they keep bees. This is consistent with what I saw on my site visit.
9. With regards to building 2, in the right hand part of the building, evidence points to two chest freezers, a fridge/freezer, a clothes dryer and bee keeping equipment, including a honey extractor. With regards to the latter I noted on site protective gloves, a bee smoker and a protective suit. There was also various animal feed inside the building and photographs indicate an exercise stepper was previously stored in the building. This was not present on my site visit. Insofar as the contents of the freezers and the fridge/freezer, the appellant suggests that they store meat for sale. The Council have not disputed this and I noted on site quantities of portioned and wrapped meat,

¹ Council Application Ref: 52846

including large joints which seem to be considerably beyond what would reasonably be stored by a typical household. This is a matter of fact and degree, but based on the evidence before me, the use of this side of building 2 appears to reflect a small scale agricultural use.

10. Evidence, insofar as the left hand side of building 2 points to the storage of domestic related goods, such as a wheelbarrow, paint tins, buckets and other DIY equipment and gardening equipment. I also noted several brushes and ladders inside this part of building 2. Collectively, these items, in my opinion are not typical items that would be stored in an agricultural building. They are items typical of a domestic residential use.
11. So, while the appellant states that building 2 was solely in agricultural use on 20 March 2013, the Council point out there is no evidence of this. I accept there is an element of fact and degree, but on the evidence before me, even if building 2 is currently partly being used for the purposes of a trade or business, I agree with the Council that this would not address the issue that this building, as a whole, is not currently solely in agricultural use and now has a mixed agricultural/domestic storage use.
12. As such, in order for Class Q to apply, building 2 must be in agricultural use or unused and previously used for agriculture with no intervening use. Based on the evidence before me I am not satisfied that this is the case. Consequently the building 2 does not qualify under Class Q. However, building 1 does and as it is clearly physically and functionally severable from building 2.

Transport and highways

13. The narrow access to the site rises steadily and more steeply in parts from Kibboth Crew. The surface, which is partly broken concrete, is shared between pedestrian and vehicles. As a result, the existing access presents difficulties, in the form of its gradient, surface and width. I understand it is used as a popular public footpath and that there are limited passing places along the access. Nonetheless, the route is relied upon by existing residential occupants, including those at Lower Dickfield Farm.
14. Although the appellant refers to Schedule 2, Part 3, Paragraph W of the GPDO, I recognise the views of the Council's Head of Engineering and the Rights of Way officer. However the access and footpath No 53 are generally quiet in nature and secluded. While any extra regular traffic is likely to be perceptible to users of the highway, the increase in movements would only relate to a single dwelling. Even though users of the surface would be close to one another, there are good sight lines along the access and footpath. Moreover, the access would, despite this appeal, remain to be deficient and excessive in length by Greater Manchester Fire and Rescue Service requirements. Although comments were made that suggested the submitted plans were insufficient, this was not a reason for refusal and in any event, I consider the plan meets the requirement of Schedule 2, Part 3, Paragraph W(2)(b) of the GPDO.
15. On this basis, I am not satisfied that vehicles entering or leaving the site, would directly lead to increased conflicts between vehicles and users of the public footpaths, given the current use of the access and footpath. Thus, I do not share the Council's view that the proposal's effect would be severely detrimental to highway safety.

Contamination

16. The Council suggest building 1 could have been used to store fuel, fertilizers, chemicals, hay or housed livestock. These could, in the Council's view, lead to contamination of the land. The intended future residential use of building 1 is a sensitive use. However, notably, comments from the Council's Environment Section only suggest the site is potentially contaminated due to its use as a farm. This is not a conclusive view as to whether the site is contaminated land, despite the appellant's resistance to providing an assessment, especially given the walls, floors and roof will all be sealed.
17. I recognise the Council's point that building 1 could include outside space, garden and soft landscaping. While no specific details are before me, it has been confirmed by the appellant that it will not be necessary to disturb any land proposed as curtilage.
18. Inside building 1, I saw a pen had been formed and the ground was covered with bedding for use by livestock. Other items, such as logs and a smaller trailer were also being stored. The activities inside the building seem to be small scale and not an intensive form of agriculture and there is no evidence to corroborate the suggested storage of fuel, fertilizers and chemicals. I also understand that there are no recorded nuisance or pollution instances at or next to this site in the last 12 months. So, even though I am mindful of the agricultural use and paragraph 120 of the National Planning Policy Framework (the Framework), equally I am not satisfied that significant harm is being caused or that there is the significant possibility of harm being caused to receptors. Consequently, on the available evidence and with regards to the proposed mitigation, I do not consider that the site is contaminated land as described in Part 2A of the Environmental Protection Act 1990, having regard to the Contaminated Land Statutory Guidance².

Impractical or undesirable

19. Properties in the nearby area lost their electricity supply as a result of a landslide in December 2015, however the farm is still served by a generator and building 1 has an electricity supply as I noted plug sockets, switches and strip lighting. I also gather that building 1 has a water supply, by way of a natural spring that also serves Lower Dickfield and Lower Dickfield Cottage.
20. The arrangements are therefore unusual. However the Planning Practice Guidance³ explains that the location of an agricultural building *where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval*. For the reasons set out earlier, I do not agree with the Council's view that the proposal would be undesirable on transport and highway grounds. Furthermore, as the site has electricity and water in the same manner as nearby properties, even if they are not the typical mains connections, I do not agree with the Council's assessment that the location of the building makes it impractical or undesirable for it to change from an agricultural use to a residential use.

² Department for Environment, Food and Rural Affairs, Environmental Protection Act 1990: Part 2A, Contaminated Land Statutory Guidance

³ Planning Practice Guidance, Paragraph: 109 Reference ID: 13-109-20150305

Other matter

21. As this is a Class Q(a) only appeal, I have considered the scheme having regard to Q.2(2) which explains that prior approval is only required under subparagraphs (1)(a) to (e) and the provisions of paragraph W. As a result, the design or external appearance of building 1 are not matters before me.

Conclusion

22. For these reasons, I conclude that the appeal should be allowed and approval granted insofar as it relates to building 1 and dismissed insofar as it relates to building 2.

Andrew McGlone

INSPECTOR