
Appeal Decision

Site visit made on 7 August 2025

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 September 2025

Appeal Ref: APP/L3245/W/25/3367866

Little Ropes, Hinstock Church To Ellerton Junction, Church Street, Hinstock, Shropshire TF9 2NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and 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 Paul Rose against the decision of Shropshire Council.
 - The application Ref is 24/04387/PMBPA.
 - The development proposed is Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to form one residential unit.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for Application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to form one residential unit at Little Ropes, Hinstock Church To Ellerton Junction, Church Street, Hinstock, Shropshire TF9 2NH in accordance with the application 24/04387/PMBPA and the details submitted with it and subject to the conditions in the attached schedule.

Preliminary Matter

2. I have used the description of development provided by the Council as one was not provided on the application form.

Main Issues

3. The main issues are:
 - whether the proposed development would require works beyond the prior approval application to make the development acceptable, and
 - whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3.

Reasons

Whether works are beyond a prior approval application

4. Class Q of the GPDO grants permitted development for: 'Development consisting of— (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.
5. The red line submitted with the application includes the access and driveway that is proposed to serve the new dwelling. I note the Council's concerns that they consider these works would require a separate application for planning permission, however, on the basis of the access and driveway being contained within the red line, support from the Highway Authority and a plan which clearly outlines the works, there is no reason why these works could not be secured by a suitably worded planning condition.
6. I therefore conclude that the proposed works to the access and creation of a driveway do not go beyond a prior approval application.

Whether the location or siting of the building makes it otherwise impractical or undesirable

7. The curtilage is restricted by the GPDO to being immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building or an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser.
8. The proposed curtilage is the same size as the footprint of the agricultural building and is therefore the maximum size possible. The curtilage is restricted by the size of the building; however, it would nonetheless be a good size for future occupiers and would allow sufficient space to enjoy the garden as well as provide space for seating and a washing line if needed.
9. I note the Council's suggestion that there may be pressure in the future to encroach onto the adjacent countryside. However, the extent of the curtilage is clearly shown and there is no evidence to suggest that further space would be needed by future occupiers. In any case, such works would require a separate planning application which any future occupiers would be required to pursue, should they wish to do so.
10. The appeal building is located at the rear of the appeal site and is over 100m from the road which the Council consider is an unacceptable distance for future occupiers to drag their bins to the highway. I have not been provided with details of any requirements for certain bin drag distances for the Council.
11. The bin drag distance is a moderate walking distance that would be of some inconvenience to future occupiers. However, I am mindful of the location of many agricultural buildings which are not close to the highway. Furthermore, a driveway is shown to be constructed and surfaced with compacted material which should make the distance easier to drag the bins to the highway for collection.
12. I therefore conclude that the location and siting of the building does not make it impractical or undesirable for future occupiers.

Other Matters

13. The Council has referred to several other developments in an attempt to justify the appeal proposal. I do not have the full details in respect of such examples so I cannot be sure of the circumstances. In any case, I have determined the appeal on its own merits, based on the evidence before me.
14. In regard to Little London Farm¹ the Inspector found that impact on the living conditions of the occupiers of the proposed dwelling would be undesirable by reason of the harmful smell, noise and disturbance through its close proximity to existing agricultural activities. This is not a concern that has been raised by the Council in the appeal before me and there are no such activities taking place nearby.
15. In respect of Barn South of Hilltop², this relates to a certificate of lawfulness for the conversion of an agricultural building to a dwelling, creation of access track, hard standing and garden area. The appeal decision focuses on the building itself, finding that the building is not capable of functioning as a dwelling without substantial construction works which differs from the appeal scheme before me. It is also not clear whether the access was included within the red line or if details of the proposed access and track for this particular appeal were submitted as part of the scheme.
16. Bell Barn³ relates to the change of use of an agricultural building to a dwelling. The Inspector found that there is not a suitable safe means of access to and from the proposed dwelling. However, this differs from the appeal scheme before me where there is no suggestion that the proposed works to the access and creation of the driveway would not provide a suitable safe means of access.

Conditions

17. Paragraph Q.2(3) stipulates that development under Class Q is permitted subject to the condition that development must be completed within a period of 3 years starting with the prior approval date.
18. Conditions 2 and 3 are required in order to ensure that the access is constructed in accordance with the proposed details, adequate visibility splays are set out and maintained and the works are carried out in accordance with the Council's specification. The Council suggested that these works should be carried out prior to occupation, however, these works are integral to the development. Therefore, in order to secure these works and ensure that there is not a situation where the building is converted before the access is constructed, I have found it exceptionally necessary to require the access to be constructed prior to commencement of the conversion of the building. I have also combined two of the Council's suggested conditions into one in the interests of clarity as they relate to the construction of the access.
19. Condition 4 requires bat and bird boxes in the interests of the provision of roosting and nesting opportunities. Condition 5 requires a lighting plan prior to the installation of any lighting in order to minimise disturbance to bats.

¹ APP/L3245/W/15/3013403

² APP/L3245/X/20/3256290

³ APP/N1215/A/14/2225293

Conclusion

20. For the reasons given above the appeal should be allowed and prior approval should be granted.

D Wilson

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. Prior to the commencement of any other element of the development the access apron, access, gate position, parking and turning areas shall be completed and laid out in accordance with the Proposed Access Plan Drawing No. 1803-ACS-XX-ZZ-DR-T-002-A. The access apron shall be constructed in accordance with Shropshire Council's specification currently in force for an access. The approved parking and turning areas shall thereafter be maintained at all times for that purpose.
3. The visibility splays shown on Proposed Access Plan Drawing No. 1803-ACS-XX-ZZ-DR-T-002-A shall be set out in accordance with the splay lines shown. All growths and structures in front of these lines shall be lowered to and thereafter maintained at carriageway level prior to the dwelling being occupied and thereafter be maintained at all times free from any obstruction.
4. Prior to first occupation of the building, the following boxes shall be erected on the site:
 - A minimum of 1 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
 - A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), swifts (swift bricks or boxes), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.
5. Prior to the installation of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.