
Appeal Decision

Site visit made on 23 October 2018

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2018

Appeal Ref: APP/T2350/W/18/3202920
Eastham House, Great Mitton BB7 9PH

- 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 John Warbrick against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/0217, dated 14 March 2018, was refused by notice dated 9 May 2018.
 - The development proposed is change of use of an agricultural building to 2 dwellings plus associated operational development
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Schedule 2, Part 3, Class Q(a) of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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, with Class Q(b) relating to provisions for certain associated operational development. The appeal scheme proposes development in respect of both of these classes.
3. There is no dispute that the proposal would be permitted development taking into account the limitations in paragraph Q.1 of the GPDO, except for Q.1(i). For permitted development under Class Q (a) and (b), paragraph Q.2 (1) of the GPDO requires prior approval of six matters. These are: (a) the transport and highways impacts of the development; (b) noise impacts; (c) contamination risks; (d) flooding risks; (e) 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 (dwellinghouses) and (f) the design or external appearance of the building.
4. My determination of the appeal will be made in the same manner, except for matters relating to transport and highways, contamination and flooding, given the main parties agreement on these matters. I agree with their view.
5. The address stated on the planning application is incorrect, as it relates to a neighbouring agricultural unit which is subject of appeal Ref: 3202926. I have therefore used the address from the appeal form. This reflects the plans and

the observations of the two agricultural units that I made on my site visit.

Main Issues

6. The main issues are:

- whether the location and siting of the buildings makes it impractical or undesirable for the buildings to change to a Class C3 dwellinghouse, in terms of the effect on the living conditions of future occupiers of the proposed dwellinghouses, with particular regard to noise, odour and disturbance;
- whether building operations or partial demolition would be reasonably necessary;
- whether the proposed development would satisfy the term curtilage; and
- the effect of the proposal on the design and external appearance of the building.

Reasons

7. Eastham House is a farm which comprises of single storey farm buildings. Land associated with the farm is to the north and east of the appeal site. It is proposed to change the use of part of an existing steel portal frame agricultural building. The building is in two parts. The first is built from metal profile cladding and internal blockwork, which forms an enclosed building. The second part has an open east elevation. Hit and miss timber cladding forms both flank elevations. Three sides of the building have low concrete infill walls between, or inside, the steel portal frame.

Location and siting

8. The planning application form states that the building in question was in, or last used, as a cow barn. The plans, however, refer to the building being used as a lambing barn. Either way, the building is said by the appellant to be used in some form by livestock. This use is also confirmed by my own observations. I noted the presence of fresh bedding and fresh cow dung, which points to it being recently used by livestock. A section of the building was also set aside to store bedding and farm machinery.
9. The proposed site plan indicates that the other part of the building (not within the scope of the site edged red) would be used for hay instead of a lambing barn as the existing site plan indicates. There is a further large building to the west. No information is before me to confirm its use, and it is unclear whether it forms part of the same agricultural unit. Despite the clear visual and physical link, I was unable to view inside the other buildings next to the appeal site during my site visit as they were locked, despite being provided access to the farm by the appellant's agent.
10. I understand that the adjoining building would remain in agricultural use. By using it as a hay barn, odours are not likely to harm future occupiers living conditions. However, I am not satisfied that noise and disturbance would not arise given the size of the building. This could result in regular vehicle movements. There is also nothing to stop the continued use of this building for lambing or for the storage and maintenance of farm machinery. These activities have the potential to cause significant levels of noise, odour and disturbance above and beyond what future occupants may well expect from a farm,

especially if they are advised that the adjacent building would be used to store hay. Future occupants would also be unrelated to any agricultural activities taking place unlike the scheme at Oswaldtwistle¹. Despite the solid wall between the two parts of the building, building regulations would not prevent noise, odour and disturbance from harming future occupants living conditions if the windows in each dwelling are open. Future occupants would reasonably expect to be able to open their windows, especially during the summer, when agricultural activity is typically at its peak.

11. I conclude on this issue that the location and siting of the building makes it impractical or undesirable for the building to change to a two dwelling houses, due to the effect of noise, odour and disturbance on the living conditions of future occupiers of the proposed dwelling houses.

Whether building operations or partial demolition would be reasonably necessary

12. The proposed dwellings are shown to be built inside the existing building, with the building's existing north elevation being demolished to expose the proposed flank elevation of unit 2. All four of the walls to the proposed dwellings would be new, and the existing metal profile roof would be replaced by a natural stone one, while a new insulated floor slab would also be installed. Furthermore, three of the steel columns from the central section of the east elevation would be removed as part of the scheme.
13. The Planning Practice Guidance (the Guidance)² states that the right under Class Q assumes that the agricultural building is capable of functioning as a dwelling. It goes on to say 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 already suitable for conversion to residential use that the building would be considered to have the permitted development right.
14. Although internal works are generally not development, the proposal would involve extensive building works such as the removal of an existing wall, the roof and steel columns, and the construction of new independent walls inside the building, and the replacement of the roof. Given this, the existing building would not be capable to function as a dwelling as only the existing steel portal frame of this part of the building would remain, with all other parts to be constructed. It is also unclear if the new walls would need new foundations.
15. I find that the extent of works proposed in order to convert the building would go beyond what is reasonably necessary to change the use of the building, and the works would be equivalent to the construction of a new building.

Curtilage

16. Each of the proposed dwellings would have a footprint of roughly 84m² following the conversion of part of the cow barn. The GPDO in paragraph X defines the term "curtilage" for the purposes of Class Q. Each dwelling would have around 36.5m² of curtilage. This would be large enough for each dwelling to allow future occupants to store wheelie bins and recycling provision.

¹ Appeal Decision Ref: APP/R2330/A/11/2153472

² Planning Practice Guidance Ref ID: 13-105-20180615

17. However, the curtilage shown on the plans does not include land that would inevitably be used to manoeuvre vehicles in and out of the car parking spaces shown. Despite the proposed site plan referring to the hardstanding which wraps around the appeal building as 'access', this land is outside the curtilage identified by the site edged red. Thus, this land will stay in its existing lawful use. The appellant could, however, if required, seek to change the use of the existing access so that it could be used for residential purposes through the grant of a separate planning permission. The merits of this would be for the Council to consider in the first instance.

Design and external appearance of the building

18. The proposed building works would change the design and external appearance of the appeal building, resulting in it taking on a residential character and appearance. The Guidance³, however, confirms that building works are allowed under Class Q of the GPDO. 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.
19. The appeal building is part of a group of buildings, which include other unrelated dwelling houses. As a result, the appeal building is not apparent from public vantage points. Even though significant changes are proposed, the proposed changes would not have a harmful visual impact.

Conclusion

20. Notwithstanding my findings in respect of curtilage and the design and external appearance of the building, these matters do not alter the conflict caused by the scheme in terms of my first two main issues.
21. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR

³ Planning Practice Guidance Ref ID: 13-105-20180615