



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/18/3202926 Eastham House Farm, 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 Stanley Ainsworth against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/0218, dated 14 March 2018, was refused by notice dated 9 May 2018.
 - The development proposed is change of use of an agricultural buildings to 2 dwellings.
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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. Development is proposed by the appellant 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. 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 (dwelling houses) and (f) the design or external appearance of the building.
4. My determination of the appeal will be made in the same manner, save for matters relating to transport and highways, contamination, flooding and the design and external appearance of the building, which I note the main parties' agreement on (paragraph Q.2(1)(a), (c), (d) and (f)). I agree with this view.
5. There is some discrepancy with the date of the application, compared to the appeal form which states that the date of the application was 20 March 2018. I have considered the appeal based on the date given on the appeal form.

Main Issues

6. The main issues in this case are:

- whether the proposed development would satisfy the term curtilage;
- 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 dwelling houses, with particular regard to noise, odour and disturbance; and
- whether sufficient information has been provided to establish whether the proposal complies with, any conditions, limitations or restrictions specified in Part 3 as being applicable to the development in question.

Reasons

7. The appeal site is part of a group of farm buildings at Eastham House Farm. The farm comprises of a mix of single and two storey buildings with pitched roofs. The buildings which are subject of the appeal are both built with a steel portal frame. The walls are made up of internal blockwork, stone and steel cladding. Hit and miss timber boarding also forms the lambing barn's (unit 2) elevations. The roofs are built from corrugated sheet material. Large openings populate the southern elevations of each building. A further large opening is in the north elevation of the lambing barn. An agricultural store (unit 1) adjoins unit 2. The two storey farmhouse is to the south-west, while the remaining buildings are used as a workshop and an office.

Curtilage

8. Paragraph X of the GPDO defines the term "curtilage". The curtilage shown on the plans is to the south of the proposed dwellings. It is tightly drawn, and in total amounts to a combined 184m². The proposed curtilages would not be larger than the land area occupied by each building.
9. However, the eastern extent of the curtilage for unit 2 is identified on the plans as being the east elevation of the building. A large glazed opening would be formed in this elevation which would include patio doors. Agricultural land abuts unit 2's east elevation. This means that the patio doors would open out beyond the curtilage shown. Hence, future occupants would be likely to make use of land not associated with the proposed residential use. While the land appears to be in the appellant's ownership, and the Council does have enforcement powers, the proposal's design leads to a technical conflict with the curtilage identified to serve unit 2.
10. The appellant could seek to change the use of this land so that it could be used for residential purposes through the grant of a separate planning permission. It would be for the Council to consider the merits of this in the first instance, but, in any event, the proposal needs to satisfy the remainder of Class Q.

Location and siting

11. None of the buildings within the farm are used to house livestock. To the north is a separate farm unit at Eastham House. A prior approval application is also the subject of an appeal (Ref: 3202920). The building in question at Eastham House is a cow barn, which is to the north of units 1 and 2. No window or door

openings are proposed in the north elevations of the proposed dwellings, but the gap between the proposed dwellings and the cow barn is small. Moreover, the cow barn is open to east, and the presence of fresh bedding and cow dung points to it being recently used by livestock. I recognise the proposal to turn the cow barn into two dwelling houses, but there is no certainty that this will occur, even if the appeal is allowed.

12. Future occupants could be subject to significant levels of noise, odour and disturbance. Every potential future occupant of the proposed dwellings would not be sufficiently aware of these conditions, especially as they would not be related to the activities taking place at Eastham House Farm, unlike the scheme at Oswaldtwistle¹. Nor would building regulations adequately prevent noise, odour and disturbance from causing harm, as future occupants would reasonably expect to be able to open the windows in each dwelling.
13. Agricultural activities on the farm would not stop. Future occupants would therefore be subject to the movement of tractors and other agricultural machinery. However, those on site did not seem to be particularly dangerous. While, the hardstanding in front of the proposed dwellings would be used, and vehicle movements could occur at any time of day, especially during the long summer days when agricultural activity is typically at its highest, there is no evidence to suggest that these movements have resulted in harm to the occupants of the separate dwelling facing the B6243.
14. The Planning Practice Guidance (the Guidance) also explains that the location of an agricultural building in an area 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 is no indication that the activities on the farm involve intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals. I note the findings made at The Granary², but I have considered the appeal on its own merits. A planning condition could be used to secure details of: double and triple glazing; passive ventilation measures; and wall specifications, so that future occupants living conditions would not be harmed in respect of vehicle movements.
15. Nonetheless, 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 dwelling houses, with particular regard to noise, odour and disturbance. I do not, however, share the Council's view about the proposal's effect in respect of agricultural vehicle movements.

Sufficient information

16. As sought by paragraph W (2)(a) and (b), a written description of the development proposed, including any building or other operations, and a plan indicating the site and showing the proposed development have been provided.
17. The local planning authority may however refuse an application where they consider the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question (paragraph W (3)(b)).

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

² Appeal Decision Ref: APP/Y2736/W/14/3002184

18. The Guidance³ confirms that building works are allowed under Class Q of the GPDO. The Guidance also 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.
19. No details have been provided about the loading capacity of the existing steel frame of either building. However, I understand that the appeal buildings were built in 2010. Thus the buildings are fairly recent additions to the farm. I agree with the appellant that there is no apparent deflection to the walls or cracks.
20. It is proposed to infill the existing openings in the north and south elevations of unit 2 with natural stone. Natural slate is proposed to replace the existing metal profiled roof, while glazing and cladding would be added to the north elevation. The existing walls in the north and east elevations are low with timber boarding above. The plans before me do not reflect my observations on site. The walls on the respective elevations appear to be solid and constructed as single entities. They also infill about half of each elevation's height, and to a greater extent at either end of the north elevation. They would, however, need to be added to. Thus, the proposal in terms of unit 2 would not consist of building operations to the extent of what is reasonably necessary for the building to function as a dwellinghouse.
21. The external walls around unit 1 would remain, save for the infilling of the existing roller shutter doors and the replacement of the metal cladding with timber weather boarding. The roof would be replaced and new openings installed, but these building operations fall within the remit of what is reasonably necessary.

Conclusion

22. I have found that sufficient information has been submitted to judge whether the building operations proposed insofar as unit 1 are reasonably necessary. However, this does not change the scheme's conflict insofar as the first two main issues, and the conflict caused by unit 2 in terms of building operations.
23. 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