

Appeal Decision

Site visit made on 19 September 2016

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 11th October 2016

Appeal Ref: APP/D3125/W/16/3153796

Barn, North of Sycamore Farm, Duns Tew Road, Middle Barton, Oxfordshire

- 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) Order 2015 (GPD0)
 - The appeal is made by Mr & Mrs Goffe against the decision of West Oxfordshire District Council.
 - The application Ref 16/00778/PN56, dated 4 March 2016, was refused by notice dated 13 April 2016.
 - The development proposed is "the conversion of existing barn to dwelling (revised prior notification following clarification of reasons for refusal of previous notification)."
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (GPD0) for the "conversion of existing barn to dwelling (revised prior notification following clarification of reasons for refusal of previous notification)" at Barn, North of Sycamore Farm, Duns Tew Road, Middle Barton, Oxfordshire with the terms of the application Ref 16/00778/PN56, dated 4 March 2016, and subject to the following condition.
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1238/2.

Main Issue

2. The main issue is whether or not the proposal constitutes permitted development.

Reasons

4. The appeal site comprises a barn which is accessed off a largely unmade track from Duns Tew Road between a hedgerow and a field.
 5. Under Class Q, a development is permitted subject to the condition that the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required. Such a determination is dependent on whether certain conditions are met. The condition at paragraph Q.2.(1)(e) states whether the location or siting of the building makes it otherwise impractical or undesirable for a building to change
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from agriculture to a use falling within Class C3 (dwellinghouse). As this is the point in dispute, I will focus my attention on this. In this regard, the proposal is a resubmission and based on the evidence before me, I concur with the Council that the other conditions detailed in paragraph Q.2.(1) and limitations of Class Q are satisfied.

6. Planning Practice Guidance (PPG)¹ states impractical or undesirable are not defined in the regulations but that local planning authorities are required to apply a reasonable ordinary dictionary meaning in making any judgement. In this regard, it states that impractical reflects that the location and siting would “not be sensible or realistic” and undesirable reflects that it would be “harmful or objectionable”. The PPG also indicates when considering whether it is appropriate for the change of use to take place in a particular location, this should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. Furthermore, the PPG indicates that if an agricultural building is in a location where the local planning authority would not normally grant planning permission, this is not sufficient reason for refusing a prior approval.
7. The Council has accepted that it cannot use the same location based criteria specified with local plan policy and National Planning Policy Framework that relates to countryside development. Nevertheless, strong emphasis has been placed on the fact that residents would be heavily dependent on the private car for day to day needs and access to facilities, services and employment. This is the main basis for its objections on the proposal being impractical or undesirable. Such an approach conflicts with government advice in the PPG to which I have attach considerable weight in this decision. In this regard, I recognise that agricultural barns, to which this permitted development right would apply, are likely to be sited in the countryside in many situations away from settlements with facilities and services. For all these reasons, the Council’s evidence on sustainability is outweighed by the PPG.
8. The red-edge of the proposal does not cover the long access track leading to the barn. The existing track is unmade but it is an existing access way which allows vehicles to pass without any significant physical impediment. Whilst the appellant has indicated that the road could be repaired, there is no evidence that it cannot serve as an access in its present form. The Council has not identified any highway objections to the proposal. Thus, the access would be safe and suitable and its location and siting would not be impractical or undesirable. If the access track was to be improved, the appellant would have to apply for planning permission, if it was necessary, which the Council would consider in normal way.
9. In summary, the location or siting of the dwelling would not be impractical or undesirable and thus, the proposal would accord with the condition set out in Paragraph Q.2.(1)(e) and the appeal should be allowed. The appellant’s attention is drawn to the requirements of the Wildlife and Countryside Act 1981 in respect of the owl nesting box inside the building. Paragraph Q.2.(3) states permitted development is subject to a condition that development permitted under Class Q must be completed within a period of 3 years starting from the prior approval date. As such, no time limit is necessary or appropriate.

¹ Paragraph 109 Reference ID:13-108-20150305.

Paragraph W(12) simply sets out that development must be carried out in accordance with the details approved and for clarity, a condition has been imposed to this effect.

Jonathon Parsons

INSPECTOR