
Appeal Decision

Site visit made on 27 September 2016

by **B Bowker Mplan MRTPI**

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

Decision date: 21 November 2016

Appeal Ref: APP/U1105/W/16/3148615

Hogsbrook Farm, Woodbury Salterton, Devon EX5 1PY

- 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.
 - The appeal is made by FWS Carter & Sons Ltd against the decision of East Devon District Council.
 - The application Ref 15/2311/PDQ, dated 24 September 2015, was refused by notice dated 18 November 2015.
 - The development proposed is prior approval of agricultural barn into dwelling (class Q).
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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) (England) Order 2015* (the 'GPDO') for prior approval of agricultural barn into dwelling (class Q), at Hogsbrook Farm, Woodbury Salterton, Devon EX5 1PY, in accordance with the terms of the application Ref 15/2311/PDQ, dated 24 September 2015, subject to the following conditions:
 - 1) The development hereby permitted must be completed within a period of three years from this decision in accordance with Schedule 2, Part 3, paragraph Q.2(3) of the GPDO.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 7262-01 Rev A, 7262-02 Rev A, 7262-03, 7262-04, 7262-05.

Preliminary matters

2. The description of development and site address is taken from the appeal form which is more accurate.
3. Comments were sought from the parties regarding the proposal's effect on the Exe Estuary Habitat Zone and its related European and national destinations. The Council have confirmed that mitigation measures can be secured for the proposed change of use via its recently adopted Community Infrastructure Levy. Accordingly, the appeal has been determined on the basis that the Council have a mechanism to secure the necessary mitigation.

Main Issue

4. There is no dispute that the proposal meets the requirements of paragraph Q.1 of the General Permitted Development Order (GPDO) 2015, and therefore that it constitutes Permitted Development under Class Q, subject to the prior
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approval of certain matters outlined at Q.2. These include the transport and highways impacts of the development; noise impacts; contamination risks and flooding risks. However, the Council's objection to the proposal does not relate to these matters.

5. Therefore, the main issue is whether the location and siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a Class C3 dwellinghouse, in terms of its effect on the living conditions of future occupants, with particular regard to noise, disturbance and smells.

Reasons

6. The appeal site comprises a detached building with concrete yard area surrounded by agricultural buildings to the immediate north and south, and a dwelling to the immediate west. A country lane passes the front of the site and between the agricultural buildings. When the building was in use as a milking parlour in association with the wider dairy farm, vehicular activity occurred throughout the entire day and evening.
7. Paragraph 109 of the Planning Practice Guidance (PPG) makes it clear that the Local Planning Authority should only apply a reasonable ordinary dictionary meaning in making a judgement on the interpretation of the words 'impractical' or 'undesirable'. The PPG notes that 'Impractical' is where the location and siting would not be sensible or realistic and 'undesirable' is where it would be harmful or objectionable. The PPG gives an example of an impractical location which involves the conversion of an agricultural building located on top of a hill with no services. In terms of an undesirable siting, the PPG gives an example where a building is close to other uses such as intensive poultry farming, silage storage or buildings with dangerous machines or chemicals.
8. During my site visit I observed that the large agricultural building to the south was relatively enclosed and in use for storage of hay, crops, feed and machinery. I also saw that both agricultural buildings to the rear of the site were in use for light industrial purposes and contained no openings facing towards the appeal site. The condition of the concrete yard to the front and opposite the appeal building did not suggest the area was being used by farm animals. Taking the use of adjoining agricultural buildings and the yard into account, in my judgement future occupants of the dwelling would not be subject to smells that would have an unacceptable harm on their living conditions.
9. Notwithstanding the previous use of the building as a milk parlour, I saw that a private lane runs along the western boundary of Hogsbrook Farm is the main point of access for comings and goings at the farm. In addition, the appellant notes that the opposite side of the farm to the north is where the transporting of waste and feed occurs via the private lane. The existing farmhouse and agricultural buildings to the immediate north are between the appeal site and the farm's main point of access. In this respect, the main sources of potential smell, noise and disturbance are located a sufficient distance away to mitigate any harmful effect on future occupants.
10. Some agricultural activity could occur opposite the site in association with the stored hay, crops, feed and machinery. However, the intervening country lane and adjoining Farmhouse places some limit on the intensity of farming activity

adjacent the site. Moreover, the main bulk of farming activity occurs further away to the north of the site. Consequently, I conclude that the proposal would not have a harmful effect on the living conditions of future occupants, with particular regard to noise, disturbance and smells.

Conditions

11. No conditions have been suggested by the Council in the event of the appeal being allowed. However, standard conditions relating to the submitted plans and 3 year timeframe are necessary and included in the interests of certainty and to meet the relevant requirements of the GPDO.

Conclusion

12. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be allowed subject to the noted conditions.

B Bowker

INSPECTOR