The Planning Inspectorate

Appeal Decision

Site visit made on 1 November 2016

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 22 November 2016

Appeal Ref: APP/C2708/W/16/3154515
Agricultural building, Lundholme Farm, New Road, Ingleton, Carnforth LA6 3HN

- 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 Mrs H Lund against the decision of Craven District Council.
- The application Ref 68/2016/16720, dated 8 March 2016, was refused by notice dated 20 April 2016.
- The development proposed is a change of use of an agricultural building to form a dwellinghouse and associated operational development.

Decision

1. The appeal is allowed and prior 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 (as amended) (the GPDO) for the change of use of an agricultural building to form a dwellinghouse and associated operational development at Lundholme Farm, New Road, Ingleton, Carnforth LA6 3HN in accordance with the details submitted pursuant to Schedule 2, Part 3, Paragraph Q.2 (1) of the GDPO through application Ref 68/2016/16720, dated 8 March 2016. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2 (3) of the GPDO.

Main Issue

2. 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 (dwellinghouses) and (f) the design or external appearance of the building.

3. The Council identifies on the Decision Notice that it does not consider the proposed development fulfils condition Q.2 (1) (e). The main issue in this case is whether the location and siting of the building makes it impractical or undesirable for the building to change to a Class C3 dwellinghouse, in terms of

its effect on the living conditions of future occupiers of the proposed dwellinghouse, with particular regard to noise and odour.

Reasons

Location and siting

4. The appeal site is part of a group of farm buildings at Lundholme Farm. The site comprises of a mixed single and two storey stone building with a pitched roof used by livestock and for the storage of machinery such as a tractor. A large, partially open stone and corrugated metal barn is to the rear. The appeal site adjoins the existing farmhouse. A group of farm buildings are to the north west of the appeal site, beyond which is the access onto the well trafficked route of the A65. An area of hardstanding extends alongside and around the farm buildings to the north west of the site, adjacent to the flank elevation of the farmhouse before opening up into a larger area of hardstanding between the farmhouse and a static holiday caravan.

5. The farm buildings directly opposite the appeal site have historically been used by livestock, however are now used as storage. Two larger farm buildings used by livestock are beyond. The furthest is metal framed and clad, whilst the nearest is of a solid wall construction with a corrugated roof. Smaller buildings to the north of the appeal site are also used by livestock and for the storage of farm equipment.

6. The proposal would convert the building into a four bedroomed dwelling. The attached barn, used to store feed and bedding would be demolished to create a garden that would be bounded by car parking provision. The main entrance to the dwelling would be in its south elevation. Openings would be formed in each elevation, with the largest overlooking fields and the site's main entrance.

7. Lundholme Farm is a working livestock farm. It is the appellant's intention for their son, who currently works and resides on the farm to live in the converted building. Nevertheless, the application was not necessarily made on this basis. Consequently, the appellant recognises the dwelling could be occupied by someone not connected to the farm business.

8. The proposed dwelling is in close proximity to nearby farm buildings. However it is not in a central part of the site. Although the appeal site is currently occupied by livestock, this would not remain the case if the building is converted. Adjacent farm buildings are used for storage and the site would share a common boundary with the farmhouse. The larger farm buildings used by livestock are sited at the furthest point away from the site and are screened visually from the appeal site. It is expressed by the Council's Environmental Health Officer (EHO) that the proposed dwelling may be exposed to varying degrees of noise throughout the day and night. There would be likely to be noise from livestock, activity within the yard, from vehicles using the access and the movement of farm equipment. However, there would no longer be a need for agricultural vehicles or machinery to pass the site.

9. Aside to this, the site is located adjacent to the well-used A65. Vehicles travel along the road at speed and there is therefore considerable background noise associated with traffic. Only one of the two larger farm buildings was occupied by livestock and activity associated with these buildings would be away from the proposed dwelling. The buildings in-between would provide a barrier that

would mitigate for a good proportion of the noise. I recognise they would not prevent every noise from being heard, but regardless noise from the road would remain. If the dwelling is occupied by the son, as the Council accept, they would be accustomed to noise associated with a working farm and I do not consider that it would be a nuisance for them.

10. In the event the dwelling is not occupied by the son in the short or long term, as the EHO sets out, due regard needs to be given to the internal and external noise levels.[1] The appellant recognises this and confirms that the development would take place in accordance with the relevant noise standards. She is willing to accept a condition to this effect but the Council has not recommended such a condition. In any event, given the likely noise from livestock operations and the background noise levels at the site, I do not consider that such a condition would be necessary.

11. If the dwelling was used as a holiday let or placed on the general market, modern standards of glazing can mitigate for noise successfully inside the home. However, I accept external noise levels are more difficult to address. The majority of the proposed garden is to the rear of the dwelling, although it does also wrap around to the side. Nevertheless in my opinion, occupants would be more likely to use the secluded area to the rear which would be screened. As a result, I do not consider noise from the working farm would unacceptably affect the occupants of the proposed dwelling.

12. Windows in the north western elevation would directly overlook the farm. These are the only openings serving bedrooms 2 and 3. Bedroom 4 also has a window in the flank elevation. The windows are a source of ventilation and are likely to be opened, especially during summer months. Due consideration does need to be given in relation to odour, however notwithstanding the concerns of the EHO, I do not consider this would be any more harmful regardless of the occupant, than that experienced by occupants of the farmhouse or albeit, not on a permanent basis, the holiday caravan.

13. Based on the current operation of the site, I do not consider the proposed change of use to residential use would be undesirable in this location on the site as, for the reasons set out, it would not be harmful to the living conditions of future occupiers of the dwellinghouse.

14. Paragraph W(10)(b) of Schedule 2, Part 3 of the GPDO requires that regard must be had to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval. The proposal would not be contrary to the core principle of seeking a good standard of amenity for existing and future occupiers of land and buildings as set out in paragraph 17.

15. Section W (13) of Part 3 of Schedule 2 of the GPDO allows local planning authorities to grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. Given the parties comments in respect of an agricultural workers occupancy condition, I concur that such a condition is not, despite the appellant's intention, to be necessary given my findings. Furthermore, in line with the Council's comments, I do not consider any other conditions are necessary except that set out in Paragraph Q.2 (3) of the GPDO.

[1] BS8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings'

Conclusion

16. For these reasons, I conclude that the appeal should be allowed and approval granted.

Andrew McGlone

INSPECTOR