
Appeal Decision

Site visit made on 20 December 2016

by Simon Warder BSc(Hons) MA DipUD(Dist) MRTPI

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

Decision date: 9 January 2017

Appeal Ref: APP/X1545/W/16/3157810

Honeywood Farm, Honeypot Lane, Stow Maries, Essex CM3 6RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 3 Class Q of the Town and County Planning (General Permitted Development)(England) Order 2015.
 - The appeal is made by Mr A Brown against the decision of Maldon District Council.
 - The application Ref COUPA/MAL/16/00593, dated 10 May 2016, was refused by notice dated 7 July 2016.
 - The development proposed is the conversion of an agricultural building into two x 1 bed self-contained dwelling units.
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Decision

1. The appeal is allowed and prior approval granted under the provisions of Schedule 2, Part 3 Class Q of the Town and County Planning (General Permitted Development) (England) Order 2015 for the conversion of an agricultural building into two x 1 bed self-contained dwelling units at Honeywood Farm, Honeypot Lane, Stow Maries, Essex CM3 6RT in accordance with the terms of application Ref COUPA/MAL/16/00593, dated 10 May 2016, and the plans submitted with it, subject to the conditions set out below:
 - 1) Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the agreed scheme.
 - 2) Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

Preliminary Matter

2. The application was for a proposed change of use of an agricultural building to two dwellings and for associated operational development.

Application for Costs

3. An application for costs was made by Mr A Brown against Maldon District Council. This application is the subject of a separate Decision.
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Main Issue

4. The main issue is whether, having regard to the potential for future agricultural activities, the location or siting of the building would make the conversion to residential use undesirable.

Reasons

5. Paragraph Q.2(1)(e) of the Town and County Planning (General Permitted Development)(England) Order 2015 (the Order) requires consideration to be given to whether the location or siting of the building to be converted would make it undesirable for use as a dwelling. Paragraph reference ID: 13-109-20150305 of the Planning Practice Guidance advises that 'undesirable' reflects a location which would be harmful or objectionable and goes on to give examples such as adjacent to intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals. Nevertheless, it also states that a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.
6. The appeal building is located between an agricultural worker's dwelling and a group of buildings which were formerly used for poultry farming. I have no reason to doubt the appellant's contention that the group of buildings do not meet current standards for poultry rearing units. I also saw on the site visit that those buildings are currently used for storage and workshop uses. There is sufficient separation between those buildings and the appeal building to ensure that storage and workshop activities would not have a harmful effect on the living conditions of future occupiers of the appeal building.
7. The access to the farm passes reasonably close to the front on the appeal building. However, vehicle speeds and volumes appear to be low and I see reason why the access should lead to noise and disturbance for future occupiers. Consequently, I consider that general location of the appeal building would not make the proposed conversion undesirable.
8. The proposal is to convert part of a single storey building into two residential units. The remainder of the building would be used for activity associated with the appellant's farm related businesses. The appeal drawings show the space laid out as an office, conference rooms and ancillary facilities. Such a use would be compatible with the proposed residential conversion.
9. Nevertheless, there is no mechanism within the current proposal to control how the remaining space would be used. However, the space is fairly modest in size (some 80 sq m according to the Council) and the ceiling height of the building is little more than that of a domestic dwelling. The building also has, in the main, domestic scale openings. Therefore, I consider it unlikely that it would be practical to use the space for intensive farm activities or the storage of large farm equipment. Whilst the Council is concerned that farming practices may change in the future, it has not suggested how the building may be used in a way which would render the proposed conversion undesirable.
10. Each proposal must be considered on its merits. The appeal decisions cited by the Council¹ appear to concern larger buildings with greater potential for

¹ Appeal references: APP/J3720/A/14/2229142, APP/B2355/W/15/3004955, APP/Y2430/W/15/3006081, APP/Y2736/W/15/3009683 and APP/L3245/W/15/3013403

intensive use or situations where the building to be converted was in close proximity to areas where livestock is kept or to large agricultural buildings. Those circumstances do not apply in this case.

11. Therefore, I find that the siting of the building would not make the conversion to residential use to undesirable. As such, the proposal would comply with the requirements of paragraph Q.2(1)(e).

Other Matters

12. There is nothing to suggest that the proposed building operations are not reasonably necessary for the conversion or that the proposal would not meet the other requirements of Class Q, including the other conditions set out in paragraph Q.2.

Conditions

13. The Order requires development under Class Q to be completed within a period of three years from the prior approval date and in accordance with the approved details. In addition the Council has suggested conditions to secure foul and surface water drainage schemes. These conditions are necessary in the interests of public health.

Conclusion

14. For the reasons set out above, the appeal should be allowed and prior approval granted.

Simon Warder

INSPECTOR