
Appeal Decision

Site visit made on 21 February 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 22nd March 2017

Appeal Ref: APP/V3310/W/16/3160179

Building at Green Drove, Mark, Highbridge, Somerset TA9 4LN

- 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 G Puddy against the decision of Sedgemoor District Council.
 - The application Ref 33/16/00021/JE, dated 28 June 2016, was refused by notice dated 24 August 2016.
 - The development proposed is change of use of an agricultural building to a dwelling.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q(a) and Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the change of use of an agricultural building to a dwelling at Building at Green Drove, Mark, Highbridge, Somerset TA9 4LN in accordance with the details submitted pursuant to Schedule 2, Part 3, Paragraph Q.2.(1) of the GPDO through application Ref 33/16/00021/JE, dated 28 June 2016, and the plans submitted with it. The approval is subject to the condition that the development must be completed within a period of three years from the date of this decision in accordance with Paragraph Q.2.(3) of the GPDO.

Procedural Matter

2. There is no dispute that the proposal meets the requirements of paragraph Q.1 of the GPDO. Therefore, the proposal constitutes permitted development under Class Q, subject to the prior approval of certain matters. For permitted development under Class Q(a), change of use, together with development under Class Q(b), building operations, paragraph Q.2.(1) of the GPDO requires the prior approval of six matters. These are: (a) the transport and highways impacts of the development; (b) noise impacts of the development; (c) contamination risks on site; (d) flooding risks on site; (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. In refusing the application, the Council cites the location of the building and the design and external appearance, and states that the development is contrary to the National Planning Policy Framework (the Framework), paragraph 17. My consideration of this appeal is therefore confined to these matters only.
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Main Issues

4. The main issues are whether: (i) the location or siting of the building makes it impractical or undesirable for the building to change to use as a dwellinghouse and; (ii) whether the design or external appearance of the building would be appropriate.

Reasons

Location or Siting

5. The Council is concerned that the building is isolated, however, the Planning Practice Guidance (PPG) makes it clear that the permitted development right does not apply a test in relation to sustainability of location. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house. As impractical or undesirable are not defined in the regulations, the PPG advises that the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgement. Impractical reflects that the location and siting would “not be sensible or realistic”, and undesirable reflects that it would be “harmful or objectionable”.
6. The Council considers that the building is prominent and highly visible and also that the development would urbanise the character and appearance of the site to a degree that is undesirable. During my site visit, I looked at the building from several public viewpoints. Whilst the building is visible in views from the access road and Yarrow Road, it is not highly visible in the sense that it stands out as a prominent feature in the landscape.
7. The proposal includes an area surrounding the building that would form the domestic curtilage. This would not be extensive and its use as a garden would be unlikely to have a material effect on the character and appearance of the area. Moreover, the permitted development right assumes a modest area of domestic curtilage would be provided as Class Q(a) relates to the change of use “of a building and any land within its curtilage”. The Council accepts that the extent of the curtilage falls within that permitted. There is limited evidence to support the Council’s assertion that the activities associated with the residential use of the building would extend far wider than the area shown as curtilage on the submitted plan.
8. When a local planning authority considers location and siting it should only apply the tests of the National Planning Policy Framework (the Framework) to the extent these are relevant to the subject matter of the prior approval. The Council cites paragraph 17 of the Framework, in particular, the principle that requires planning to recognise the intrinsic character and beauty of the countryside. Whilst the building is in the countryside, the PPG states that the fact that an agricultural building is in 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. The building is already in situ and the proposals would not have a materially greater effect on the character and appearance of the area.
9. I find that it has not been demonstrated that the location and siting would be harmful or objectionable. Therefore, it would not be impractical or undesirable for the building to change use to a house.

Design or External Appearance

10. The development would involve the insertion of new doors and windows, which the Council considers would make the building more prominent. I accept that lighting associated with a house would make the building more visible, but I do not consider that this would have a material adverse effect on the character and appearance of the wider area. The lighting would not be constant and views towards the building from public viewpoints are limited.
11. The Council accepts that the materials would be similar, and as the scale and mass of the building would be unaffected, I do not agree with the Council's assessment that the resulting house would look alien in the landscape and would be highly conspicuous. The external alterations would be minimal and limited to the works necessary to enable the change of use. The design of the house would reflect the utilitarian nature of the original building and I do not consider that the conversion works would lead to a suburban building.
12. I have taken into account the Council's concern about the flat topography and the landscaping. Nonetheless, I saw from my site visit that there are established hedgerows along field boundaries, and small groups of trees, which break up views towards the building. These would soften the appearance of the house in the wider landscape.
13. I have also considered matters raised by an interested person. However, the Council accepts that the proposal constitutes permitted development and raises no objections in relation to the transport and highways impacts of the development.
14. Consequently, I conclude on this issue that the design and external appearance of the building would be appropriate.

Conclusion

15. For the reasons given above, the appeal is allowed.

Debbie Moore

Inspector