
Appeal Decision

Site visit made on 13 March 2017

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

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

Decision date: 3rd April 2017

Appeal Ref: APP/T0355/W/16/3163513

Pump House, Kennel Lane, off Whyteladies Lane, Cookham, Maidenhead, Berkshire SL6 9LF

- 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 Copas Farms against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 16/02164, dated 15 July 2016, was refused by notice dated 8 September 2016.
 - The development proposed is conversion of an agricultural building to one residential house.
-

Decision

1. The appeal is allowed and approval is granted under the provision of Schedule 2, Part 3, Class Q(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 for conversion of an agricultural building to one residential house at Pump House, Kennel Lane, off Whyteladies Lane, Cookham, Maidenhead, Berkshire, in accordance with the terms of the application Ref: 16/02164, dated 15 July 2016, subject to the following conditions:
 - 1) The development hereby approved shall be carried out in accordance with the following approved plans: Site location plan (GWC10), 16-COP3-01 and 16-COP3-02.
 - 2) No development shall take place until details of the materials to be used for the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Application for costs

2. An application for costs was made by Copas Farms against the Council of the Royal Borough of Windsor and Maidenhead. This application is the subject of a separate Decision.

Procedural Matters

3. The application form did not include the post code. However, this was included on the appeal form and I have added it to the address within this decision for the sake of clarity.
-

4. There is no dispute that the proposal meets the requirements of paragraph Q.1 of the GPDO and therefore it constitutes permitted development under Class Q, subject to prior approval of certain matters. These relate to (a) transport and highways impacts of the development; (b) noise impacts of the development; (c) contamination risks on the site; (d) flooding risks on the site; (e) whether the location 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 external appearance of the building.

Main Issue

5. 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.

Reasons

6. The building is a utilitarian agricultural barn situated next to Kennel Lane, an unmade track and footpath that links Cookham Rise with Cookham Dean. It is reached along this track from Whyteladies Road, which lies about 350m to the east of the site. This track also provides access to a telecommunications mast that is largely screened by a group of trees close to the barn. The building is a modestly-sized structure with concrete block walls with profiled sheeting above, a profiled sheeting roof and large metal and mesh sliding doors on its western elevation.
7. The barn sits on its own at the edge of a field and is surrounded by the open countryside of the Green Belt. It is therefore not a location that would normally be considered suitable for a dwelling. However, the Planning Practice Guidance (PPG) advises that agricultural buildings may be in locations where the local planning authority would not normally grant planning permission for a new dwelling. Its location in the countryside is therefore not a sufficient reason for refusing prior approval.
8. Paragraph 109 of the PPG states that impractical and undesirable are not defined in the regulations. It goes on to advise that 'impractical' reflects that the location and siting would "*not be sensible or realistic*", whilst 'undesirable' would be "*harmful or objectionable*".
9. In this case there is no suggestion that the building could not be serviced adequately as it already has mains electricity and a water supply. The access track, whilst unmade, would provide an acceptable access and there was no objection from the highway authority. The movements that would be likely to be associated with its use as a dwelling would not result in unacceptable conflict with users of the public footpath, particularly as any vehicle would have to travel along the unmade track at a slow speed. There are therefore no practical reasons why the conversion could not take place.
10. The PPG suggests that an example of an undesirable change of use is when the proposed dwelling is adjacent to other uses, primarily associated with agricultural activities, such as poultry farm buildings, silage storage or buildings with dangerous machines or chemicals. A number of appeal decisions¹ have been referred to where proposals have been rejected because of their proximity to activities that would be harmful to the living conditions of

¹ APP/H1840/W/15/3003352, APP/B2355/W/15/3004955 and APP/X1925/W/15/3015656

future occupiers of a dwelling. From all that I have read this appears to be how the term 'undesirable' has been consistently interpreted in the case of schemes that are permitted development within the terms of the GPDO.

11. The appeal barn is not in close proximity to any other agricultural activities that would cause unacceptable harm to the living conditions of future occupants. The only nearby activity, other than cultivation of the adjoining fields, appears to be associated with a small gravel pit to the east of the site and to which vehicles may occasionally require access. However, this would not be likely to cause significant noise or disturbance. The conversion would therefore not result in any undesirable consequences for future occupants.
12. The PPG also makes it clear that when a local planning authority considers location and siting it should not be applying tests from the National Planning Policy Framework (the Framework), except to the extent that these are relevant to the subject matter of the prior approval. The assessment should start from the premise that permitted development rights grant planning permission, subject to the prior approval requirements. This effectively qualifies the proposal as a special case which justifies a new dwelling, notwithstanding its location within the Green Belt. The provisions and exceptional circumstances set out in Paragraph 55 of the Framework are therefore not relevant to this case.
13. Furthermore, there is nothing in the PPG to suggest that the impracticality or undesirability of a scheme should include a consideration of the site's location within the Green Belt. This approach has been confirmed by a series of other appeal decisions² which have been brought to my attention. I appreciate the concerns of local people about the effect of the conversion on the character and appearance of the area, including as a consequence of the introduction of domestic paraphernalia. However, these matters are not determining factors in relation to consideration of a prior approval application.

Conclusion and Conditions

14. I therefore conclude that the location and siting of the building is neither impractical nor undesirable in such a way as to prevent its use as a dwelling house. The appeal therefore succeeds and prior approval is granted.
15. Paragraph Q.2.(3) requires that development permitted under Class Q must be completed within a period of three years from the date of the prior approval. As such, no time limit condition is necessary. I have imposed a condition specifying the plans in the interests of certainty. A condition requiring approval of materials to be used in the external surfaces of the building would reasonably relate to the subject matter of prior approval as indicated by paragraph W.(13). I have imposed such a condition in the interests of the appearance of the building.

Sheila Holden

INSPECTOR

² APP/C3105/W/15/3002582, APP/P0240/W/15/3006512, APP/N4720/W/15/3062091, APP/J1915/W/15/3031280, APP/F0114/W/15/3003074 and APP/F0114/W/15/3006521