

Appeal Decision

Site visit made on 2 May 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 17th May 2017

Appeal Ref: APP/G2815/W/17/3166562

Measures Old Dairy, Stanwick Road, Higham Ferrers, Northamptonshire NN10 8LD

- 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 Hill against the decision of East Northants District Council.
 - The application Ref 16/01374/PDU, dated 6 July 2016, was refused by notice dated 23 August 2016.
 - The development proposed is change of use of an agricultural building to a dwellinghouse (C3).
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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 (as amended) for the change of use of an agricultural building to dwellinghouse (C3) at Measures Old Dairy, Stanwick Road, Higham Ferrers, Northamptonshire NN10 8LD in accordance with the terms of the application Ref 16/01374/PDU, dated 6 July 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 1, LF/GH/01 and JM/GH/VS/01.
 - 2) The development hereby permitted shall be externally clad using timber and the roof shall be covered with fibre cement sheets and shall thereafter be retained as such.

Procedural Matters

2. The description of the proposed development is taken from the appeal form rather than the application form for clarity and conciseness.
 3. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) provides for the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouse) of the Use Classes Order 1987 (as amended), and any building operations reasonably necessary to convert the building.
 4. It is clear from the application form, plans and documents submitted for this proposal that the appellant seeks both a change of use of the appeal building
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and any land within its curtilage as well as building operations reasonably necessary to convert the building. The area of land within the red line shown on plan LF/GH/01 is greater than the land area occupied by the building, as it includes the access track from Stanwick Road and the proposed garden and four car parking spaces immediately to the south of the building. This exceeds the limitations set out in Paragraph X of the GPDO in terms of its definition of curtilage. However, it is open for me to define an appropriate curtilage to bring the proposal within the provisions of Class Q. Thus, I have chosen to disregard the access track, but consider the proposed garden and four parking spaces as shown within the red line on plan LF/GH/01 as forming land within the curtilage of this building.

5. Schedule 2, Part 3, Paragraph W(3) states that a local planning authority may refuse an application where, in its opinion, the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any specified conditions, limitations or restrictions. It was on this basis that the Council refused to grant prior approval.

Main Issue

6. The main issue is whether the location or siting of the building makes the proposal change of use impractical or undesirable.

Reasons

7. The Council considers that the proposal complies with the requirements set out in Paragraph Q.1 of the GPDO, which means it would be permitted development. Previous concerns regarding the structural soundness of the appeal building have been addressed in a structural report submitted by the appellant. From the evidence before me, I am satisfied that the proposal would be permitted development.
8. Turning to matters required to be addressed under prior approval in Paragraph Q.2(1) of the GPDO, the Council indicate that parts Q.2(1)(a), (b), (c), (d) and (f) would be satisfied, but that part Q.2(1)(e) would not in terms of the location and siting of the building.
9. The access to the building from Stanwick Road is along a compacted grass track following the boundaries of a field between the road and the building. While there were no cattle in the field at the time of my site visit, it would be possible to segregate the track from the rest of the field to avoid conflict with any livestock. The distance from the building to Stanwick Road is not overly long and is comparable to farm dwellings in the surrounding area. Thus, the proposal is not impractical or undesirable in terms of access.
10. The building can be seen at points along Stanwick Road to the west and north, but is partly screened by vegetation along field boundaries and changes in topography, which lessens its overall prominence. The proposed alterations to the building, including the garden and parking areas, would reduce the rural qualities of the surrounding area to a degree. However, given the above screening and the existence of isolated farm dwellings in the wider area where domestic elements already exist, this would not have an undesirable effect on the character and appearance of the countryside.

11. The evidence submitted by the appellant indicates a realistic prospect of water and electricity connections via existing sources in the surrounding area. I noted on my site visit that the riding centre at Glebe Farm on the opposite side of Stanwick Road is connected via power lines, while water ran along the field boundary to the west of the building. Concern regarding the possible contamination of any private water supply via a borehole near to the building is a matter that can be discussed under separate regulations between the appellant and the Council. I am also mindful of the close proximity of Higham Ferrers to provide for day-to-day needs. Thus, proposal is not impractical or undesirable in terms of the provision of services and facilities.
12. In conclusion, the location and siting of the building would not make the proposed change of use impractical or undesirable. Thus, none of the matters set out at Paragraph Q.2(1)(a) to (f) in the context of this appeal indicate that prior approval should be withheld.

Conditions

13. Paragraph W(13) of the GPDO allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. To ensure certainty and clarity, it is necessary to impose a condition setting out the approved plans. To ensure that the development has an acceptable effect on the surrounding countryside, it is also necessary to specify the external materials for the walls and roof. Paragraph Q.2(3) of the GPDO specifies that development under Class Q must be completed within a period of 3 years starting with the prior approval date, so it is not necessary or reasonable to impose a separate time limit as requested by the Council.

Conclusion

14. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed and prior approval granted.

Tom Gilbert-Wooldridge

INSPECTOR