
Appeal Decision

Site visit made on 9 May 2017

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 8 June 2017

Appeal Ref: APP/Y3615/W/17/3168185

High Ryde Farm, Old Lane, Mays Green, Cobham, Surrey KT11 1NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Mark Reid against the decision of Guildford Borough Council.
 - The application Ref 16/W/00110, dated 21 November 2016, was refused by notice dated 13 January 2017.
 - The development proposed is the change of use from agricultural building to dwellings (C3 Use class).
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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 for the change of use from agricultural building to dwellings (C3 Use class) at land at High Ryde Farm, Old Lane, Mays Green, Cobham, Surrey KT11 1NJ in accordance with the terms of the application Ref 16/W/00110, dated 21 November 2016, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 000 Existing Elevations; 000 Site Block Plan; 001 Existing Elevations; 002 Existing Plans; 003rev01 Proposed Elevations; and, 004rev01 Proposed Plans.

Procedural Matter

2. After the Inspector's site visit, a commentary on a High Court judgment¹ was submitted by the appellant. The Council was offered the opportunity to comment on the evidence and their response has been taken into account. However, as that case turned principally on the matter of accessibility of location in terms of travel demand and the distance to services, its bearing on this case is limited.

Application for costs

3. An application for costs was made by Mr Mark Reid against Guildford Borough Council. This application is the subject of a separate Decision.

Main Issue

4. Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) grants permission for the change of use of an

¹ East Herts DC v SSCLG & Sue Tepper [2017] EWHC 465 (Admin)

agricultural building to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order, together with building operations reasonably necessary to convert the building. Paragraph Q.2 specifies conditions of the development permitted within this Class.

5. There is no dispute between the parties that the development would comply with the qualifying criteria of Class Q.1 and is therefore permitted development. On the evidence before me, I have no reason to come to any alternative view.
6. However, the Council refused the application on the basis that it would not comply with condition Q.2(1)(e), which concerns the location or siting of the building making it otherwise impractical or undesirable for the building to change from agricultural use to residential use.
7. The main issue is therefore 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 (dwelling houses) of the Schedule to the Use Classes Order.

Reasons

8. The Planning Practice Guidance (PPG) advises that the starting point for Class Q is that the permitted development right grants planning permission, subject to the prior approval requirements. The provisions of the GPDO require the local planning authority to assess the proposed development in respect of transport and highways; noise impacts; contamination risks; flooding risks; whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwelling house; and design or external appearance.
9. The Council has assessed the application against these criteria and does not object on the grounds of transport and highways, noise impacts, contamination risks, flooding risks, and design or external appearance. Given the scale of development, and its location alongside an unclassified road, it would not result in a significant increase in traffic in the rural area, and would provide sufficient on-plot parking. On the evidence before me and on what I saw during my site visit, I have no reason to disagree with the Council's assessment in relation to these matters.
10. With regard to the location of the building making it otherwise impractical or undesirable for the building to change from agricultural use to dwellings, the Council raises three objections.
11. First, the Council is concerned about access. The barn stands in isolation in a field enclosed by two roads, Mays Green and Old Lane. The Council identifies that the barn is served by two tracks leading from Mays Green. A long track to the north, which joins on to the drive to the farmhouse at High Ryde Farm before opening onto Mays Green, and a short track to the south, leading to a five-bar gate beside Mays Green. However, while the north track has a gravel base, the track to the south is unsurfaced. The unsurfaced nature of the southern track, the Council considers, would be impractical for use by domestic vehicles serving the new residential use.
12. Second, it considers that the space indicated for gardens beside the proposed dwellings would be compromised by the parking and turning of vehicles, which

would make their use impractical. Third, the Council is concerned that any loss of hedgerow to facilitate parking and turning would be undesirable.

13. The PPG says, in relation to the Class Q permitted development rights, that *'Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary meaning in making any judgment. Impractical reflects that the location and siting would "not be sensible or realistic", and undesirable reflects that it would be "harmful or objectionable."*²
14. Turning to the first concern, the appellant confirms that both existing tracks would be used to access the development. The north track would be long and winding, but with its dressed surface of stones and chippings, it would provide a suitable means of access for vehicles. While the southern track lacks a dressed surface, it is relatively short and leads directly from the road. Both tracks appear to have been in place for a considerable time serving the barn and look well used. Neither track appears to me to be an impractical means of accessing the development.
15. In terms of space for amenity and parking, the depth of the space between the barn and the hedgerow alongside the road suggests that the space required for vehicles to turn to enable them to join Mays Lane in forward gear may not be within the residential curtilage. But nor are the tracks which connect the barn to the road. Such manoeuvring does not have to take place within the residential curtilage of the proposal in order to meet the requirements of the GPDO. The amount of space in front of each dwelling would be sufficient to meet the needs of the occupiers for peaceful, private relaxation as well as accommodating domestic activities such as play, drying clothes, and parking. In this respect, I can identify no shortcoming of practicality in the proposal.
16. Finally, I can see no need for the hedgerow to be cut back in order to accommodate parking and turning. However, even if it needed to be reduced, in relation to its substantial length and width, any adjustment would be limited and would not harm the character of enclosure and separation which it provides. In this respect, there would be no undesirable impact arising from the development.
17. I conclude that for the reasons given above, the location of the building does not make it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order.

Conditions

18. Paragraph Q.2.(3) of the GPDO states that permitted development is subject to a condition that development permitted under Class Q must be completed within a period of 3 years starting from the prior approval date. As such, no time limit condition is necessary. Paragraph W(12) requires the development to be carried out in accordance with the details approved. For clarity and to provide certainty, I have imposed a condition to this effect.

² Planning Practice Guidance paragraph 109 Reference ID: 13-109-20150305

Conclusion

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

Patrick Whelan

INSPECTOR