

Appeal Decision

Site visit made on 13 June 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 28 June 2017

Appeal Ref: APP/E3525/W/17/3169262

The Grain Barn, Houghton Hall, Cavendish, Suffolk CO10 8BW

- 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 Mr Edward Hopkins (Leapdale Ltd) against the decision of St Edmundsbury Borough Council.
 - The application Ref DC/16/2394/PMBPA, dated 17 October 2016, was refused by notice dated 22 December 2016.
 - The development proposed is conversion of existing barn to form 3No terrace dwellings including formation of private gardens (utilising existing vehicular access).
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Decision

1. The appeal is dismissed.

Procedural Matters and Main Issue

2. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order (England) 2015 (GPDO) permits the change of use of an agricultural building and any land within its curtilage to a residential use, along with building operations reasonably necessary to convert the building. 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. I find no reason to come to any alternative view.
3. Development permitted under Class Q is subject to the condition that before commencement, an application must be made to determine whether prior approval is required in respect of certain matters.
4. The Council's objections relate to whether the location and siting of the building would make it otherwise impractical or undesirable to change to a residential use for reasons relating to the impact on the living conditions of future occupiers with particular regard to noise and disturbance. This is the main issue.

Reasons

5. The appeal site mainly comprises a large barn which forms part of a wider complex of farm buildings some of which have been converted to a variety of non-agricultural uses in the open countryside.
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6. To the northwest of the appeal building is a large concrete slab. This is outside of the appeal site, is not owned by the appellant and serves a wider agricultural holding. It has concrete walls approximately 1.8 metres high on two sides, is next to a silo and adjacent to a farm track.
7. The proposal would convert the barn to three terraced dwellings. Part of the building would be removed increasing its distance from the concrete slab to some 10.5 metres at its closest point.
8. The concrete walls would provide a degree of screening between the proposed dwellings and any materials stored on the slab and additional screening would be provided along the western boundary of the appeal site.
9. I acknowledge the assurances that the slab is used for short term storage of grain and field inputs, items are not stored for any length of time and silage will not be stored. I also note the slab is open, unsecure and some distance from the main farm centre meaning it is less intensively used and influencing what can be safely and securely stored on it.
10. However, the slab is substantial and in good condition. I observed on my site visit a large mound of loose material stored on it, with space remaining for significantly more material to be stored. In my view the volume of material which could be stored on the concrete slab is such that it would inevitably involve numerous comings and goings and manoeuvres and significant amounts of loading and unloading to both use and store materials.
11. I acknowledge the good will and assurances relating to the slabs use. However such relationships and requirements could change as could the farm ownership and there is no formal mechanism to control its use to that which would be reasonably expected in such close proximity to three dwellings.
12. Even though I accept that the material to be stored on the slab may also have implications for other land uses nearby, this is not a matter for my consideration as part of this appeal. I have also noted the comments about what may have happened if the slab was not in place at the time of the Council's decision and note it was constructed under agricultural permitted development rights. However, the fact remains it is now in place.
13. I have also considered the appeal decisions¹ where Inspectors have considered the conversion of agricultural buildings to dwellings. However, the full details of those cases are not before me and I have assessed the appeal with regard to bespoke site specific circumstances. Thus, they are not directly comparable and I have afforded them limited weight.
14. Overall I find the proposed dwellings constructed in such close proximity to the large concrete slab would result in significant amounts of noise and disturbance through vehicle movements and loading such that the proposal would result in harmful living conditions for future occupiers with particular regard to noise and disturbance.
15. Thus, for the reasons given I conclude that the location and siting of the appeal building makes it undesirable for the proposed change of use to three dwellings due to its effect on the living conditions of future occupiers of the proposed dwellings.

¹ APP/B2355/W/15/3004955, APP/J3720/A/14/2229142 and APP/Q3305/A/14/2229228

Other Matters

16. I note that the appellant is dissatisfied with the Council's handling of the case. However, this is a matter which would need to be pursued with the Council. I confirm that I have had regard only to the planning merits of the proposal.
17. I acknowledge that the proposal would bring the barn back into use and it would provide three new homes suitable for families. However, these matters do not outweigh the harm I have identified.

Conclusion

18. For the reasons given and with regard to all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR