



Appeal Decision

Site visit made on 30 October 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 8th January 2018.

Appeal Ref: APP/L2630/W/17/3179507

High Elm Farm, Pye Lane, Deopham, Norfolk NR18 9DW

- 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 & Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Mrs Elaine Peacock against the decision of South Norfolk District Council.
 - The application Ref 2017/1017, dated 21 April 2017, was refused by notice dated 15 June 2017.
 - The development proposed is the change of an agricultural building to a dwelling (C3).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the location of the building makes it otherwise impractical or undesirable to change to a dwellinghouse.

Reasons

3. The appeal site is a single storey building located within an existing complex of farm buildings. Some 10m south of the appeal site is a farm building that is used as a cattle shed and for the storage of straw, feed and machinery. Further cattle sheds and workshops are located some 20m to the south of the site.
4. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (the GPDO) allows a 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 (dwellinghouses) of the Schedule to the Use Classes Order. Paragraph Q.1 sets out various circumstances in which development is not permitted by Class Q and I agree with the parties that it does not contravene any of these.
5. Under Class Q, development is permitted subject to the condition that the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required. Such a determination is dependent upon whether certain items are addressed satisfactorily.
6. However, paragraph Q.2(1)(e) considers whether the location or siting of the building makes it otherwise impractical or undesirable for the building to

change from agricultural to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. It is this condition which is at dispute.

7. The Planning Practice Guidance (PPG) states that, "Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary 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"¹". The PPG also indicates when considering whether it is appropriate for the change of use to take place in a particular location, it should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. Furthermore, the PPG also tells us that if an agricultural building is in a location where the local planning authority would not normally grant planning permission, this is not sufficient reason for refusing prior approval.
8. Paragraph W(10)(b) of Schedule 2, Part 3 of the GPDO sets out that regard to the National Planning Policy Framework (The Framework) may be made so far as relevant to the subject matter of the prior approval. The Council has drawn my attention to paragraph 17 of Framework which states that planning should always seek a good standard of amenity for existing and future occupiers of land and buildings.
9. The appellant indicates that the adjacent farm building, which is some 10m from the building to be converted, is used primarily for the storage of straw for forage and bedding and the nearest building used to house livestock is some 20m from the appeal building. Moreover, the appellant states that livestock are only housed in the building during the winter period from the end of November to the end of March and is empty at other times. Whilst the farm building closest to the site did not contain cattle during my visit and the various uses I noted may not be present throughout the year, given the complexity of farming, the use of the agricultural buildings would be likely to change over time. Moreover, at the time of my visit whilst some of the farm buildings contained vehicles, machinery and forage, the building some 20m to the south of the appeal site had cattle within it.
10. Even if cattle were to be kept in the closest farm building for the winter months only as the appellant contended, they would still be there for a significant block of time. However, it is clear from my visit that cattle are housed in buildings close to the site outside of the winter months. Indeed, there can be no guarantees that cattle will not be housed in the building closest to the site at other times throughout the year, exacerbating the potential conflict between the uses. Given the limited separation from the farm building, noise from cattle in the building could be a nuisance, particularly at anti-social times. The converted farm building, along with the rear garden, would be in close proximity to these sources of odour, noise and disturbance, which do not have to amount to a statutory nuisance to affect the living conditions of future occupiers of the building.
11. I accept that the occupier of Keepers Cottage to the north of site has not experienced harm as a result of living next to the farm. However, Keepers Cottage is further away from potential odours, noise and disturbance than the

¹ Paragraph: 109 Reference ID: 13-109-20150305 Revision date: 05 03 2015

appeal site. Moreover, while it may be accepted that cattle farming may result in less impact than other forms of farming, it would nonetheless result in harm to the living conditions of future occupiers of the dwelling. Furthermore, this is a circumstance where impact cannot be mitigated given the extensive nature of farm buildings and therefore the activities adjacent to the appeal site.

12. With regard to the PPG, the development would be in a location where the Council would not normally grant planning permission. However, the impact of the development on the living conditions of future occupiers of the proposed dwelling would be undesirable by reason of the odour, noise and disturbance. Such an adverse impact would conflict with the core principle of the Framework which requires planning to achieve a good standard of amenity.
13. Therefore, having had regard to all other matters raised and mindful of paragraph Q.2(1)(e) of Schedule 2, Part 3 of the GPDO, I conclude that the location of the building makes it otherwise impractical or undesirable to change to a dwellinghouse and so the appeal should be dismissed

Graham Wyatt

INSPECTOR