



Appeal Decision

Site visit made on 22 May 2019

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2019

Appeal Ref: APP/W1145/W/18/3218657

Northcott, Lane to Northcott, Sutcombe EX22 7PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Bob & Liz Priest against the decision of Torridge District Council.
 - The application Ref 1/0322/2018/FUL, dated 20 March 2018, was refused by notice dated 22 June 2018.
 - The development proposed is the conversion of redundant agricultural barn to dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There are two reasons for refusal on the Council's decision notice. The second of these related to a perceived lack of information with regard to the foul drainage arrangements that would serve the proposal. The appellants submitted further detail in this regard through their appeal submissions. The Council advised in their statement of case that the foul drainage options presented by the appellant resolved their original concerns, I agree. On the basis that this matter has been adequately addressed, it does not form a main issue for me to consider through this appeal.
3. Since the determination of the planning application that is the subject of this appeal, the North Devon and Torridge Local Plan (the NDTLP) was adopted in October 2018. The relevant policies of the NDTLP are those referenced in the reasons for refusal as policies relating to the 'emerging plan'. Copies of the relevant policies from the NDTLP have been provided with the questionnaire papers by the Council, and as a result the parties have had the opportunity to comment on the relevance of the newly adopted policies to the current appeal. The Council in their statement of case have explained that since the adoption of the NDTLP, the policies referred to in the decision notice from the Torridge District Local Plan are now not of relevance to the appeal as they no longer form part of the development plan. I have therefore determined this appeal in accordance with the NDTLP.
4. A revised version of the National Planning Policy Framework (the Framework) was published on 19 February 2019. The revisions do not alter the national policy approach in respect of the issues raised in this appeal and therefore the main parties have not been prejudiced by the updates to this document.

Main Issue

5. The main issue in this case is whether the proposal would provide for an acceptable standard of living environment for intended occupiers, with particular regard to the proximity of the appeal building to a neighbouring livestock building and the wider farmstead.

Reasons

6. The appeal proposal concerns the conversion of a redundant stone built farm building into a dwelling house. The building is located at the entrance into the existing farmstead at Northcott. The farmstead contains a number of traditional farm buildings, including the appeal building, the farmhouse and a number of other stone structures.
7. There are also two more modern open fronted buildings situated to the south of the appeal site. These buildings front onto an intervening open yard area with the appeal building. At the time of my visit, the building towards the west of the yard was used for storage and the building to the east contained a number of young calves. Within the yard area associated odours from the building containing the calves was evident, there was also a large grouping of flies which had collected within the yard and to the southern end of the appeal site.
8. The building to be converted would have openings and its principle garden space fronting towards this yard area. Even with boundary enclosures there would be an uncomfortably close interaction between the intended future occupants of the appeal building and the activities and disturbances that are likely in the yard. These could include the odour and flies that I experienced on my visit. There is also the potential for other disturbances associated with activities in the yard, such as traffic movements and noise associated with the storage and livestock. I am therefore of the view that the use of the garden space would be likely to be prohibitive, I also consider that the likely noise and activities associated with the yard could adversely affect the living environment inside the proposed dwelling house. As a result, it is likely that a future resident would make complaints about the interaction between the two uses after a period of time.
9. The appellants have suggested that a condition could be imposed limiting the use of the two modern buildings in the yard to storage purposes only, thereby resulting in a cessation of the use for livestock purposes in the future. The appellants have also outlined that the use of these buildings are presently on a shorthold tenancy arrangement to a young farmer which could be ceased prior to the occupation of the appeal proposal. The appellants have also referred to other examples where such a condition has been used by the Council on residential barn conversions on farm complexes.
10. However, I am not convinced that such a condition would represent a reasonable¹ solution in this case as it would place limitations on the activities within these existing farm buildings, thus prejudicing the potential operations of the farmstead. Furthermore, such a condition would not necessarily address other typical activities associated with a farm, such as the movement of farm vehicles.

¹ Paragraph 55 of the Framework states "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects."

11. On this matter, the other main elevation for the proposed development would face towards the track leading into the farmstead. This is the primary entrance to the farmstead and farm vehicles would therefore pass in close proximity to the appeal building, this is likely to be annoying for intended occupiers of the proposed development, particularly during the evening and at night. The appellants outline in their statement of case that the use of the track is at present limited, other than during the periods of silaging (which are likely to be three times a year), and that the farm traffic which would need to pass the building, would do so during working hours.
12. However, whilst this may be the position at present, and I appreciate that the appellants have explained that the farming enterprise is now run from the appellants main farm at Woodacott, circumstances may change. In this regard, I do not have substantive reasons to conclude that the adjoining buildings and land could not be used for an active farm use in the future, whether by the appellants, future tenants or future owners.
13. I note the appellants suggestion that the scale of activities at the farmstead and its ownership as a single unit could be controlled, however I do not have a mechanism before me that would control ownership or the activities at the farm. Nonetheless, such limitations would result in placing restrictions on the operations of an existing farm complex, which for similar reasons to those I have already outlined, I do not consider would represent a reasonable approach in this case. As a result, I can not be satisfied that the current limited activity at the farm would continue to be the case in the future. Therefore, traffic movements, noise, general activity and the use of the farm buildings could intensify, thereby increasing the potential for conflict between the dwelling house use of the appeal proposal and the farmstead.
14. To conclude, I do not consider that the siting of a dwelling house use in close proximity to a livestock building and wider farmstead, with the associated noise, smells and nuisances that could occur, would provide for a satisfactory standard of living environment for the future intended occupiers of the development. The proposal would therefore conflict with policies DM01 and DM04 of the NDTLP, which collectively, support development where the intended occupants of the proposal would not be harmed as a result of existing or allocated uses and ensure that the amenities of future neighbouring occupiers are safeguarded. The proposal would also conflict with paragraph 127 of the Framework which, amongst other matters, requires that decisions should ensure that developments provide for a high standard of amenity for existing and future users.

Planning Balance

15. I have found that the proposal would conflict with the development plan in respect of its effect on the living conditions of intended future occupiers. Whilst the proposal would result in social and economic benefits associated with the provision of a residential use, the income generation for the wider farm enterprise and the restoration of a traditional farm building, these benefits do not outweigh the harm that I have identified. Therefore, the proposal would conflict with the development plan when taken as a whole and there are no material considerations that would justify a decision other than in accordance with the development plan.

Conclusion

16. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

J Evans

INSPECTOR