



Appeal Decision

Site visit made on 6 August 2019

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

Appeal Ref: APP/J1860/W/19/3229298

Weston Barn, Bockleton, Worcestershire WR15 8PS

- 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 Order)(England) Order 2015 (as amended).
 - The appeal is made by P R Pugh and Son against the decision of Malvern Hills District Council.
 - The application Ref 19/00174/GPDQ dated 16 January 2019 was refused by notice dated 28 March 2019.
 - The development proposed is conversion of sheep shelter to dwelling utilising existing brick walls and pitched clay tile roof. Glazing south east elevation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the address provided in the appeal form for the sake of clarity.
3. Class Q(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)(the GPDO) permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 dwelling house of the Schedule to the Use Classes Order. Class Q (b) permits any building operations reasonably necessary to convert the building.
4. The Council considers that the development accords with the limitations and restrictions set out in Paragraph Q.1 of the GPDO and there is no evidence before me to the contrary.
5. Paragraph Q.2 of the GPDO then sets out that where the development is proposed under Class Q it is permitted subject to an application to the Council for a determination as to whether their prior approval is required in relation to the matters set out in paragraphs Q.2(1)(a) to (f). The Council considers that the development does not comply with Paragraph Q.2(1)(e) which refers to whether the location or siting of the building makes it impractical for it to change from agricultural use to use as a dwelling.

Main Issue

6. The main issue in this appeal is therefore whether the location or siting of the building makes it otherwise impractical to change from agricultural use to use as a dwelling house with particular regard to access.

Reasons

7. Impractical is not defined in the regulations. However, the Planning Practice Guidance¹ sets out that local planning authorities should apply a reasonable ordinary dictionary meaning in making any judgement. Impractical reflects that the location and siting would not be sensible or realistic.
8. The building that would be converted is located within a field some distance from the main farm and farmhouse known as Leysters farm. The field is on a slight slope with the highest part of the field being the north east corner with the building being around 110 metres south of the field corner at the edge of the field. The building was previously used as a sheep shelter and whilst not currently used for that purpose, the Council accepts that it has not had any other use since. At the time of my site visit, the field surrounding the building was being used to produce a wheat crop. The appeal building is a simple single storey brick shelter that is open on the front southern elevation with five bays.
9. The Council's concern is that there is no continuous track between the building and the highway. There is a track from the highway along the north western boundary of the field to the corner of the field where the building is located. The track is off an unclassified road which provides access to the village of Leysters. The first section of this track is hard surfaced and also serves Stone House which is a dwelling situated to the south of the track. The occupants of Stone House have vehicular access to this section with gates to the side of the track leading to the rear of their dwelling. The next section of track then becomes more rural in character and is largely grassed although the appellant indicates that it is stoned but grass covered. I am satisfied that the length of existing track is largely suitable for vehicles that would use the building as a dwelling house.
10. However, there is no track of any description across the field to the building and that distance is estimated to be 110 metres. At the time of my site visit, the presence of the tall wheat in the field made accessing the building difficult. The appellant considers that it is not necessary for the building to have a track to have a practical location. The appellant acknowledges that an ordinary vehicle may not be able to access the building but that buyers would be aware that they would need an off road vehicle or to walk the final part of the journey. However, whilst off road vehicles would be of some benefit, walking for the last part of the journey with a torch or a lamp is not going to be practical during inclement weather or at certain times of the year. Normal family tasks such as carrying shopping, having postal or parcel deliveries, getting taxis, having friends to visit, would be more difficult without a defined access track with pedestrian and vehicular access. I therefore consider that the absence of any track for the last 110 metres to the building makes the siting impractical.

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

11. The appellant also argues that an application for an appropriately designed track would “almost certainly succeed”. The appellant has provided an indicative plan showing a route along the field’s north-eastern boundary and states that an application to provide a new track to the building would comply with planning policy and sets out why an application would succeed. However, in assessing this application made pursuant to Class Q, I am considering the current position, which is that no route of any kind exists for this final 110 metres to the building. I am therefore not persuaded by this argument.

Other Matters

12. The appellant has referred to appeal decisions where impracticality was an issue in support of its case. All appeals will be assessed on their own particular facts and merits. However, in the Hoe Lane² decision, the facts of the previous appeal decision are materially different from the facts of this appeal. I note in that appeal, there was an unmade path to the building as well as a separate pedestrian access. A further appeal decision at West Duxton farm³ also deals with circumstances where there was a track to the building which is not the case here. The West Duxton decision does however state that any different track surface would be considered on its own merits.

Conclusion

13. Based on the evidence before me, I do not consider that the building has suitable means of vehicular or pedestrian access. The siting of the building would therefore be impractical for its conversion to a dwelling house. I therefore conclude that the change of use would not satisfy the requirements of Schedule 2, Part 3, Class Q.2 (1)(e) of the GPDO and is therefore not development permitted by it.
14. For the reasons given, the appeal is dismissed.

E Griffin

INSPECTOR

² APP/J1535/W/15/3029713

³ APP/W1145/W/18/3211419