



Appeal Decision

Site visit made on 30 September 2019

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2019

Appeal Ref: APP/W3520/W/19/3233694

Nissen Hut One, Lodge Farm, The Common, Botesdale, Suffolk IP22 1LG

- 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 2015 (as amended).
 - The appeal is made by Mr James Carter against the decision of Mid Suffolk District Council.
 - The application Ref DC/19/01051, dated 28 February 2019, was refused by notice dated 13 May 2019.
 - The development proposed is change of use of agricultural building to a dwelling house and associated operational development.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have considered the appeal scheme as an application under Class Q (a) and (b) as it includes a change of use and building operations. The submitted drawings do not show the position of a conservatory at Lodge Farm, but they still form a useful basis for assessing the effects of the appeal scheme. Both the appellant and the Council were afforded an opportunity to supplement their submissions regarding the practicality of the proposed parking in the event the concurrent appeal¹ at Nissan Hut 2 was allowed.
3. Paragraph Q.1 of the GPDO states that development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit on the 20 March 2013 or, in the case of a building which was in use before that date, but was not in use on that date, when it was last in use. Although I observed no physical evidence of any agricultural activity at the appeal site and the Council has referred to domestic storage within the building, the Council is otherwise content that the building meets the criteria in Paragraph Q.1(a) and therefore it is not something I have considered further.
4. The appellant has suggested that the Council failed to determine the application for prior approval within the required period and therefore works can commence. However, I share the view of the Council's Solicitor that an application for prior approval is not a proper application until the fee is paid. The Council apparently determined the application for prior approval within 56

¹ APP/W3520/W/19/3233697

days of the fee being received. I therefore consider the decision was made in time in the absence of evidence to the contrary.

Reasons

5. Paragraph Q.2 of Class Q states that development is permitted subject to the condition that before beginning the development, the developer must apply for a determination of prior approval in respect of six specified matters. The Council is of the view that the location or siting of the building makes its change of use to a dwelling impractical and undesirable because it would result in a harmful impact on privacy and thus living conditions. In addition, I consider it necessary to examine whether a practical access and parking arrangement can be achieved.
6. Nissan Hut 1 (Hut 1) is a single storey structure located to the south east of Lodge Farm. The appeal scheme is to convert this to a one-bedroom dwelling. This would include three windows along the western elevation, which would provide an outlook over the side garden of Lodge Farm. In addition, a window in the front elevation would overlook the rear garden of Lodge Farm. The overlooking of the outside amenity space at Lodge Farm would be at close range and thus unreasonable without mitigation.
7. That said, it would be possible to erect a form of solid boundary treatment around the curtilage of Hut 1. The appellant has suggested a fence or wall, softened by landscaping would be appropriate. The Council has not explained why this would be inappropriate or why would not sufficiently mitigate the impact on the privacy of the occupants of Lodge Farm. The boundary treatment could be 2m high and this would prevent occupants of Hut 1, which is single storey, from being able to see into the garden space of Lodge Farm which, in any event, is large and includes areas on the north western side of the dwelling that would not be overlooked.
8. A fence or wall around the curtilage of Hut 1 would also prevent overlooking into the conservatory, kitchen and utility room at Lodge Farm and would safeguard the privacy of the future occupants of Hut 1. There would be no inter overlooking between Huts 1 and 2 in the event the conversion of both was permitted.
9. Although not a concern raised by the Council, I am mindful that the erection of boundary treatment around the curtilage of Plot 1, which would be modest, would limit the outlook of future residents. Nevertheless, the outlook would just about be adequate as the gap would be large enough to ensure future occupants have some visual connectivity to the sky and land beyond their curtilage.
10. Although not forming part of the reason for refusal, the Council has indicated that the proposal could result in a harmful level of noise and disturbance to the occupants of Lodge Farm and Hut 2² from vehicle movements and comings and goings. The movements associated with the proposed dwelling would be at close range to neighbours, but they would not be regular occurrences. Boundary treatment would attenuate some of the noise impacts upon the occupants of Lodge Farm, albeit not to those of Hut 2. On balance, the

² The appeal relating to the conversion of Hut 2 to a dwelling has been allowed

infrequent number of vehicle movements would ensure there would be no harmful impact overall.

11. The general activity associated with the residential occupation of Hut 1 would likewise be modest and acceptable given the small size of the dwelling. It would also be similar to that which occurs at The Barn, a property to the north which is at a similar proximity to Lodge Farm.
12. However, the parking space for the occupants of Hut 1 would be directly outside the front of the property for it to be within the curtilage, which can be no greater than the footprint of the building. Access to it would be entirely blocked by the parking space identified for the occupants of Hut 2, the conversion of which has been permitted. The appellant has not explained how this situation could be resolved. The layout as proposed would require high levels of cooperation and is unlikely to be successful or reasonable. Accordingly, I conclude that the parking arrangements would be impractical, and this would harm the living conditions of the future occupants of Hut 1.

Conclusion

13. For the reasons given above, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR