



Appeal Decision

Site visit made on 7 October 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Wednesday, 13 November 2019

Appeal Ref: APP/C3105/W/19/3232490

Brockford Farm, Oatley Hill, Hook Norton, Banbury, Oxon OX15 5BU

- 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 (as amended).
 - The appeal is made by RW and RM Elsey against the decision of Cherwell District Council.
 - The application Ref 19/00231/Q56, dated 8 February 2019, was refused by notice dated 3 May 2019.
 - The development proposed is change of use of building and curtilage from agriculture to single dwellinghouse with associated physical works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are firstly, whether the works to enable the barn to be used are so extensive to constitute a new building, and secondly, whether the location of the building is practical or desirable for a dwelling.

Reasons

Building works

3. The building is a steel framed agricultural barn with concrete blockwork and with a mixture of timber cladding and profile sheet cladding above. It has a corrugated roof. The application has been accompanied by a visual structural inspection report which concludes that the barn is structurally strong enough to take the likely loading of residential use without any significant alteration or enhancement.
4. Although there might be some works necessary to replace broken panels and cracking from mechanical damage, this is relatively minor and could be considered repairs. I saw on my site visit that the blockwork was mostly complete on the external elevations and whilst the structural report recommended considering 'overhauling' the existing roof covering, this was advice rather than a requirement.
5. The proposal seeks to introduce new windows and doors in the elevations. Whilst these do not take full advantage of the existing openings, the south west elevation proposes a double door in this area, and there is a window proposed in the existing opening on the north east side. There would be one

window per room, apart from the living areas, the living room and the kitchen/diner, where more would be expected.

6. Overall, whilst some works and repairs are necessary, I recognise the findings of the structural inspection and do not consider the building to be in such a poor state of repair that the works would consist a new building. The proposal would therefore comply with the overarching requirements of Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) in this regard.

Locations

7. The barn is set within a working farm complex, forming part of a yard with two other large agricultural barns and set alongside two large polytunnels and further farmland to the south. The complex is active and supports the 390 acre working agricultural area, as identified by the Council. The yard includes indoor and outdoor storage of machinery, livestock, vehicles and harvested crops. The site is set down a slope below the main buildings with many operations taking place on its north, west and southern sides and with close proximity of buildings and passing of working farm vehicles.
8. I recognise that the operations do not include those specifically identified within the Planning Practice Guidance (PPG) as likely to be undesirable neighbouring activities, such as poultry farming and its associated odour, or storage of harvest material and associated intense periods of activities at certain times of the year. However, the PPG list is not exhaustive and whilst not subject to harvest activities, the size, scale and proximity of these buildings and associated operations all year round as a focus will have a significant effect. The proposal will share the access and be set below these operations, exacerbating the effect.
9. The proposed amenity space for the dwelling would be directly adjacent to the yard and the existing farm vehicle route to the polytunnels, and land to the south, would pass by closely. This would be subject to noise and disturbance from machinery and vehicles in close proximity at any time, despite a 2 metre high acoustic fence. Given the slope, proximity and form of movements, this would result in a poor quality living environment for future occupiers.
10. I note that the appellants are willing to accept a condition to prevent livestock in these neighbouring buildings, and that they are intending to move the farming operations away from cattle and towards an extensive farming system with sheep reared outdoors. However, I do not consider such a condition would be reasonable for the buildings on a farm which has livestock, and so would fail the statutory tests. In any event, the buildings and yard would remain a focus for operations, storage, large vehicle movements potentially at all times of the day, which cumulatively would result in the proposal being an undesirable location for residential use given the proximity.
11. I am also aware that there are neighbouring residential properties within the area. However, these are set away from the agricultural focus of the site and in distinctly separated plots.
12. The appellant has referenced an appeal decision¹ where a farm workshop and small machinery store was considered acceptable in proximity to proposed

¹ Appeal Decision APP/X1355/W/18/3210679

living accommodation. I do not have all the details that lead to this conclusion, however I note that this related to the modest size of building and an assessment that there would not be frequent or disruptive activity. I consider that the circumstances differ in the case before me, and given the relationship, access and elevation I consider the activity of the yard to be disruptive and prejudicial to residential amenity. In any event I have considered this case on its merits and on the basis of the evidence before me

13. I therefore consider that the proposed site would be harmful to the living conditions of future occupiers and therefore represent an undesirable location for new development, contrary to the provisions of the GDPO.

Conclusion

14. For the reasons given above, I conclude that the appeal is dismissed.

Tim Crouch

INSPECTOR