
Appeal Decision

Site visit made on 19 December 2019

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2020

Appeal Ref: APP/A2335/W/19/3237959

**Outbarn, Ravens Close Farm, Ravens Close Road, Wennington,
Lancaster LA2 8PA**

- 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.
 - The appeal is made by Mr A Easterby against the decision of Lancaster City Council.
 - The application Ref 19/00659/PAA, dated 21 May 2019, was refused by notice dated 15 July 2019.
 - The development proposed is the conversion of an existing stone barn to form a single dwelling house with associated access and sewage treatment plan.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses), having particular regard to the access track and provision of an electricity supply.

Reasons

3. The appeal site is a stone barn which is located in an area of rolling countryside, around a mile to the east of the village of Wennington. The barn is in an isolated position in a large field which rises up from Ravens Brow Close and then slopes down towards a wooded stream. The barn is located near the bottom of the field, away from the boundary with the road.
4. There is no dispute that the proposal to convert the building to residential use meets the requirements of paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). The proposal therefore constitutes permitted development under Class Q, subject to the prior approval of certain matters. These matters are listed in paragraph Q.2.(1) and include criterion (e): whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses).
5. There is no specific guidance on what constitutes 'impractical or undesirable' for the purposes of criterion (e), but the Planning Practice Guidance (PPG) provides some further information about considerations which might be relevant. The example of a building on top of a hill with no road access, power

source or other services is given as a case where conversion may be considered impractical¹. The PPG defines the word 'undesirable' in the GPDO as 'harmful or objectionable'.

Access track

6. There is no existing access track serving the barn so a new 3 metre-wide gravel drive is proposed. An existing field gate would be suitably improved to provide access onto Ravens Close Brow, which is an unclassified road. From the road access, the track would cut across the corner of the field then follow the line of the existing hedgerow up and over the hill to reach the barn. The length of the proposed track would be approximately 265 metres.
7. In order to provide a safe access onto Ravens Close Brow, visibility splays would be required which is likely to necessitate an enlargement of the opening with removal of some hedgerow, although the extent of that has not been determined. The access track would then cross the corner of the field which would have the effect of cutting off part of the field, albeit a relatively small section.
8. The access track would then follow the field boundary over the hill and down to the barn. Whilst the hedgerow would provide screening from the west, the enlarged access from the highway and the track itself would still be visible from the road as it climbed up the hill. This extensive and un-natural feature would cause significant visual harm to the rural character of the area, which would be undesirable.
9. In addition, the topography of the land and the significant distance from the road to the barn raises concerns about the practicality of the proposed access, particularly in adverse weather and wet and muddy conditions.
10. The appellant contends that, as the access would serve development which is permitted under another section of the GPDO, it too would fall within permitted development rights, under Schedule 2, Part 2, Class B of the same Order. However, this right would only apply if it was to serve a development already authorised by another section of the GPDO. Therefore, the PD right for an access will only exist if I allow the appeal and the change of use has taken place. Therefore, I have no mechanism before me to ensure that an access track will indeed be formed under permitted development rights. Without a suitable access, the proposal is impractical because the dwelling could only be accessed on foot over a considerable distance, and there would be nowhere to park a vehicle off the narrow lane.
11. The appellant has commented that there are other examples nearby of dwellings located at the end of lengthy access tracks, although no specific details have been provided. However, given my findings above, this matter is not relevant.
12. I acknowledge the appellant's comment that separation from the highway can be seen as desirable by those who prefer tranquillity. That may be the case, but it does not outweigh the need for a practical access to the dwelling. Furthermore, in this case whilst the barn is a considerable distance from

¹ Planning Practice Guidance Paragraph: 109 Reference ID: 13-109-20150305

Ravens Close Brow, it is much closer to the B6480 to the south west which would limit the tranquillity advantages of the site.

13. Both parties refer to the case of East Hertfordshire District Council vs and Secretary of State and Sue Tepper² which considered whether factors relating to the location and accessibility of a dwelling can be legitimately taken into account in an application for prior approval under Class Q. I acknowledge the comments made by the judge that the bar for considering unacceptable inaccessibility matters will be set significantly higher in applications for prior approval than would be the case for an application for planning permission. However, an assessment as to whether the proposal is impractical or desirable is nonetheless a matter of planning judgement. In this case, the length of the access combined with the topography and the visual harm, would result in it being both undesirable and impractical.

Services

14. The barn has no existing access to infrastructure. The appellant has confirmed that a connection could be made to an existing mains water supply which is located some 230 metres away but within the same field, close to the proposed access track. Although there would be a cost involved with this I am satisfied that the provision of mains water would be feasible.
15. For waste water, the barn could be served by an on-site sewage treatment plant which would not require power. However, the size of the facility has not yet been determined and details of the proposed siting have not been provided.
16. The appellant contends that the prospective owners would wish to operate 'off-grid' as much as possible, with a dwelling that has been constructed to high sustainability standards with modest energy requirements. However, there would still be the need for a supply of electricity to the dwelling. The appellant has proposed that electricity could be provided by an underground mini-generator with battery back-up, with the potential for solar panels to be installed at a later date. No further details have been provided regarding the proposed generator or its siting, and the Council has raised questions about the practicality of importing fuel to the site and of the desirability using such a generator as a primary source of power over the long term.
17. An alternative suggestion is for mains electricity and gas to be obtained via connections from Ravens Close Farm to the north west, supplemented by solar panels or stand-alone solar equipment, and a back-up generator for use as necessary. However, no details have been provided as to how this direct connection to main supplies would be achieved or any impacts of this operation. Furthermore, it is unclear whether such long connections to a single dwelling would be feasible either practically or financially.
18. The appellant has provided options for providing electricity to the barn, but no firm details have been supplied to show how this would be achieved and what other operations would be involved. Such information is required under paragraph W(2) of the GPDO which sets out requirements for applications under Class Q and requires that written information should be provided with details of any building or other operations. The provision of an electricity supply is part of the work which is reasonably necessary for the conversion of

² Case No: CO/3768/2016 & CO/3820/2016

the barn to a dwelling, and details of any operations associated with this are therefore required by paragraph W(2).

19. It has therefore not been clearly demonstrated how an electricity supply would be established, and whether this could be done in a way which would be practical or desirable.

Other matters

20. I acknowledge the appellant's desire to convert the property to the highest environmental standards and the benefits of bringing a non-designated heritage asset back into use. However, these issues do not form part of an assessment of the requirements under Class Q and are therefore of limited relevance to this appeal.

Conclusion

21. I conclude that the location of the building makes it impractical and undesirable to change from agricultural use to a use falling within Class C3 (dwellinghouses) with particular regard to the access track and electricity supply. The proposal does not meet the requirements of Class Q paragraph 2.(1) (e) of the GPDO, and the appeal is therefore dismissed.

R Morgan

INSPECTOR