
Appeal Decisions

Site visit made on 26 May 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2020

Appeal A - Ref: APP/N3020/W/20/3244145

Barn A, Ling Farm, Ricket Lane, Blidworth, Mansfield, Nottinghamshire NG21 0NG

- 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 Star Farming against the decision of Gedling Borough Council.
 - The application Ref 2019/0585PN, dated 17 June 2019, was refused by notice dated 22 August 2019.
 - The development proposed is the conversion of existing agricultural barn A to 4no. residential houses and demolition of 2 barns.
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Appeal B - Ref: APP/N3020/W/20/3244146

Barn D, Ling Farm, Ricket Lane, Blidworth, Mansfield, Nottinghamshire NG21 0NG

- 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 Star Farming against the decision of Gedling Borough Council.
 - The application Ref 2019/0583PN, dated 17 June 2019, was refused by notice dated 22 August 2019.
 - The development proposed is the conversion of existing agricultural barn D to 1no. residential house.
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Decision – Appeal A

1. The appeal is dismissed.

Decision - Appeal B

2. The appeal is dismissed.

Procedural Matters

3. Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) states that a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) together with building operations reasonably necessary to convert the building is permitted development, provided that the criteria set out within paragraph Q.1 are met.

4. Paragraph Q.2 of the GPDO indicates that Class Q development is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to: (a) transport and highways impacts of the development; (b) noise impacts of the development; (c) contamination risks on the site; (d) flooding risks on the site; (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) of the Schedule to the Use Classes Order; and (f) the design or external appearance of the building.

Main Issues

5. The main issue in appeal A is whether the proposed development complies with the conditions, limitations or restrictions applicable to development permitted. The main issue in appeal B 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) of the Schedule to the Use Classes Order.

Reasons

6. The appeal site is a farm complex situated at the end of an access track to the north of Ricket Lane within a countryside setting to the west of Blidworth.
7. Barn A sits towards the western side of the complex and is the subject of the proposed conversion to 4no. dwellings. In order to enable this conversion, amongst other works, the building would be subdivided and would undergo building operations including the provision of a range of windows and doors. Many of these openings would be on the eastern elevation.
8. Barns A and C are attached and internally linked. Barn C, along with Barn B, immediately to the north are proposed for demolition. This would be necessary to provide the proposed outlook from and access to the eastern side of Barn A.
9. However, Paragraph Q.1(i)(ii) only allows partial demolition to the extent reasonably necessary to carry out the building operations allowed by paragraph Q.1(i)(i). The demolition proposed would be extensive and would fall outside of this limitation. The proposal therefore fails to comply with the conditions, limitations or restrictions applicable to development permitted and appeal A therefore fails.
10. Barn D is a smaller building situated separately to the east of Barns A, B and C. The building is formed of a steel portal frame which the evidence suggests would be retained, along with the metal wall and roof cladding and timber wall cladding. The existing concrete floor slab would be retained which would support the internal walls proposed. A structural report has been submitted which advises that the structure is adequate to allow for conversion and there is nothing within the evidence which contradicts this position. For these reasons I consider that proposed development associated with Barn D would comply with the conditions, limitations or restrictions applicable to development permitted. I have considered the Hibbitt judgement¹ as well as Planning Practice Guidance² in coming to this conclusion.

¹ Hibbitt v SSCLG [2016] EWHC 2853

² Paragraph: 105 Reference ID: 13-105-20180615

11. The refuse collection point would be a significant distance away from Barn D, at the entrance to the site on Ricket Lane. It would perhaps be an inconvenience to any future occupier of the dwelling, although I do not see that this would be an insurmountable problem. It would be more likely that some arrangement would be made to store the bins for the dwelling close to the highway avoiding the need for the unlikely scenario of an occupant moving a refuse bin up and down from the property for collection. The impact of such an arrangement would be unlikely to be significant.
12. In relation to paragraph Q.2 (e) planning practice guidance³ offers advice. It states that 'impractical' reflects that the location and siting would 'not be sensible or realistic', and 'undesirable' reflects that it would be 'harmful or objectionable'. In relation to the specific issue of refuse collection at the site I do not find that the location or siting of the building would make it otherwise impractical or undesirable for the building to change from agricultural use to a dwelling.
13. However, in light of my findings in relation to appeal A, I am mindful that Barn D would remain situated next to a substantial farm complex. Although the complex did not appear to be in active agricultural use at the time of my site visit, I have no certainty that this would remain the case. It is likely that farming activities associated with the substantial complex would render the location and siting of the building impractical and undesirable to change use to a dwelling. For this reason, appeal B therefore also fails.

Other Matters

14. The GPDO does not provide any general authority for imposing additional conditions beyond deemed conditions other than those which would be reasonably related to the subject matter of the prior approval. A condition requiring the demolition of Barns B and C would therefore not be applicable under this procedure.

Conclusion

15. For the reasons outlined above, appeals A and B are dismissed.

T J Burnham

INSPECTOR

³ Paragraph: 109 Reference ID: 13-109-20150305