The Planning Inspectorate

Appeal Decision

Site visit made on 4 August 2020

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2020

Appeal Ref: APP/Y1138/W/20/3250532
Sillifant Firs, Crediton, EX17 5BR

- 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 Miss C Conibeare against the decision of Mid Devon District Council.
- The application Ref: 19/01401/PNCOU dated 13 August 2019, was refused by notice dated 15 October 2019.
- The development proposed is prior notification for the change of use of an agricultural building to a dwelling under Class Q.

Decision

1. The appeal is dismissed.

Procedural Matter

2. As no description of development was provided on the application form, I have taken the description of development given above from the Council's decision notice. This description of the development is consistent with that set out on the appeal form. I have determined the appeal accordingly.

Background and Main Issues

3. Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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/houses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended and any building operations reasonably necessary to convert the building. There is no dispute between the main parties that the proposal meets the requirements of paragraph Q.1. and therefore, that it constitutes permitted development under Class Q, subject to the prior approval of certain matters.

4. Paragraph Q.2.(1) lists conditions under which the development must apply to the local planning authority for a determination as to whether prior approval will be required as to the impact of the development on various matters. The Council's decision notice indicates that prior approval was refused in respect of matters (a) transport and highways impacts of the development; (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; and (f) the design and external appearance of the building. There is no dispute between the parties in respect of the other matters.

5. Therefore, the main issues are:

- whether or not the location or siting of the building would be impractical or undesirable for a residential dwelling, with particular regard to the suitability of highway access; and
- whether or not the design of the proposed dwelling would provide satisfactory living conditions for future occupiers, with particular regard to size and internal layout.

Reasons

Location and siting

6. The appeal building is a disused agricultural building used, previously used for the keeping of livestock. It is located within the countryside within a rectangular field at the rear of the garden to a residential property, Sillifant Firs. A line of mature trees separates the field from the highway with hedgerows separating it from surrounding agricultural land and the garden to Sillifant Firs, to which there is gated access.

7. The appeal building, whilst located in a field adjacent to a highway, has no direct access to the highway. The existing access to the appeal building is via the gate leading form the adjacent garden. The field is open grassland and the garden is lawn, there is no defined track or path through the gate.

8. The use of the building for residential purposes would generate a number of vehicle movements with occupiers needing day-to-day access to services and facilities as well as access to the building by other vehicles, including emergency vehicles and deliveries. Whilst I have no evidence that this raises issues in relation to the highway network or highway safety, the absence of a hard surfaced access leading to the highway would make this impractical for this type and frequency of activity.

9. I accept that the previous use of the building for the keeping of livestock may have generated some vehicle movements, although I have been provided with no firm evidence of the extent of this. However, in my view these movements would be significantly less frequent and of an entirely different nature to those associated with a domestic dwelling. They are not therefore comparable.

10. Paragraph W(13) of the GDPO sets out that the local planning authority may grant prior approval subject to conditions reasonably related to the subject matter of the prior approval. The appellant has suggested that, in the event of an approval, the provision of a formal track could be dealt with through the imposition of a condition. However, provision of a new access track would require a significant length of hard surfaced track to be provided across the garden area of the adjacent dwelling. Due to the narrow site and the proximity of any such track to the adjacent dwelling in combination with the increase in vehicle movements, this would be likely to cause disturbance and have a harmful effect on the living conditions of the occupants of Sillifant Firs.

11. I acknowledge that the highways authority has not objected to the scheme and no issues have been raised in respect of the impact on the highways network.

Nevertheless, the absence of a formal track and the vehicle movements across an open field and lawned garden associated with the conversion of this building would result in unacceptable transport impacts. This leads me to conclude that the location and siting of the building would be impractical and undesirable for a residential dwelling due to the lack of a suitable access to the highway.

Living conditions

12. Paragraph Q.2(1)(f) of the GPDO refers to the design and external appearance of buildings. Whilst design is not defined, the National Planning Policy Framework (the Framework) in seeking well-designed places requires planning to achieve a good standard of amenity.

13. The appeal building is a single-storey, low L-shaped long and narrow building. The proposed development would provide a one bedroom, 2-person house. The accommodation would be laid out in a linear form. The internal width of the main part of the building is indicated to be 2.1 metres wide.

14. The internal room layout would be unconventional due to the narrow and linear footprint of the appeal building. However, it is indicated that the gross internal area would be 55 sqm. This would meet the Technical housing standards – Nationally described space standard[1] which indicates 50 sqm for a single-storey 2 person dwelling.

15. I have not been provided with the precise dimensions of the height of the building, however, I observed on site that the building was low in height. It seems to me that with insulation installed it would have restricted head room. The appellant has not suggested any mitigation for this. In this regard, I share the Council's concerns about the restricted height of the building which, in combination with the narrow width of the internal space, would result in an extremely cramped form of accommodation with little room for general circulation or to keep many personal items.

16. As such, I find that the scheme, due to the inadequacy of its internal space, would not provide satisfactory living conditions for future occupiers. It would therefore fail to achieve a good standard of amenity for future users in conflict with the design principles of the Framework.

Conclusion

17. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

Rachael Pipkin

INSPECTOR

[1] Technical housing standards – National described space standard, DCLG, March 2015