



Appeal Decision

Site visit made on 7 July 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2020

Appeal Ref: APP/B2355/W/19/3243979

Mid Longacres Farm, Acre Street, Whitworth OL12 8XH

- 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 Mr Keith Mitchell against the decision of Rossendale Borough Council.
 - The application Ref 2019/0524, dated 6 November 2019, was refused by notice dated 23 December 2019.
 - The development proposed is a change of use, including operational development, from buildings to 3 dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above is taken from the appeal form, as the description given in the original application form was incomplete.

Background and Main Issues

3. Schedule 2, Part 3, Class Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015(as amended) (hereafter 'the GPDO') permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a use as a dwellinghouse, along with the building operations reasonably necessary to convert the building.
4. The proposal relates to two buildings set on the north and east sides of a yard within Mid Longacres Farm. The eastern building (hereafter 'Building 1') is a relatively modern portal-framed shed-type barn, with concrete blockwork lower walls and cement-fibre type sheet panelling above. The application 'red line' boundary only encompasses the southern portion, representing about half of the whole building, which it is proposed to convert to a single dwelling. The remaining part of Building 1 would remain in agricultural use. The other building (hereafter 'Building 2') is older and of traditional stone construction with a pitched slate roof, with a single storey facing the yard side but an additional upper floor on the northern side. It is proposed to retain the form of Building 2, and divide it internally to form two dwellings.

5. There is no disagreement between the parties that the proposal complies with the requirements set out in Paragraph Q.1, and that it therefore constitutes permitted development under Class Q. None of the evidence before me leads me to a different view.
6. Under Class Q development is permitted subject to the condition that the developer must apply for a determination as to whether the prior approval of the local planning authority will be required in respect of the limited matters set out in Paragraph Q.2(1). The decision notice issued by the Council indicated that prior approval was refused in respect of matters (e), in that the location and siting of the buildings make the proposed change of use undesirable on account of the likelihood of unacceptable noise disturbance, the incompatibility of residential properties with a working farm, and the lack of proposed basic outdoor amenity space; and (f), the design and external appearance of Building 1.
7. Having regard to the Council's reasons for refusal, the main issues are therefore:
 - whether or not the location or siting of the buildings makes the proposed change of use impractical or undesirable; and
 - whether or not the proposal is acceptable in terms of the design and external appearance of Building 1.

Reasons

Location and siting

8. The terms impractical and undesirable within paragraph Q.2 (e) are not defined in the GPDO, and the PPG¹ advises that a reasonable ordinary dictionary meaning should be used in making any judgment. Impractical reflects that the location and siting would 'not be sensible or realistic', and undesirable reflects that it would be 'harmful or objectionable'. Examples are given within the PPG as to what might be considered to be impractical or undesirable, such as the proposed dwelling being 'adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals'. However the list is not exhaustive and simply indicates that certain farming activities can be harmful or objectionable when located adjacent to existing or future occupiers of neighbouring properties.
9. Mid Longacres Farm is a sheep farm and, at around 17.5 acres is relatively small in scale. In terms of noise disturbance, it is therefore unlikely that there would be, for example, the extensive use of noisy machinery which might be expected on a larger or more diverse farm. The appellant indicates that he intends to use the remaining agricultural part of Building 1 for the storage of vintage tractors, and that as the part of the barn closest to the proposed dwelling has a raised floor level it could not be used for parking vehicles but would be used as a store for hand tools. Nonetheless, from the information before me and what I saw at the time of my site visit, the retained agricultural part of Building 1 would offer the only substantial indoor workshop or storage space remaining on the farm. As a result, it seems probable that it would be put to various other uses related to the running of the farm, if not by the appellant himself then by his successors running the farm in the future, which

¹ Paragraph: 109 Reference ID: 13-109-20150305

would be likely to result in unacceptable noise disturbance for the occupiers of the proposed dwelling.

10. The appellant has indicated that he would be content to see a condition imposed which would prevent the retained agricultural part of the building being used for the housing of animals. Even so, it still remains likely that the use of the space would, at least periodically, generate considerably more noise than would be expected from a domestic garage. Even if the proposed use of two internal party walls to form an 'acoustic screen' or a noise control scheme as suggested by the appellant could limit internal noise transmission within Building 1, there would still be a strong likelihood of noise disturbance to the occupiers of Building 2 a very short distance away. In my view this makes the change of use in the form proposed undesirable.
11. The GPDO permits the change of use and conversion of agricultural buildings, and it is therefore to be expected that many proposals within Class Q will be for sites within working farms. This cannot therefore, in my view, automatically be seen as a barrier to permitting such schemes, which must be assessed on the merits of their specific circumstances. In this case, the proposed dwellings would be situated alongside and accessed through the farmyard, within which their car parking spaces would also be located. It is likely that this access would need to be shared with agricultural machinery and tractors at least occasionally. However, by relocating the door to the retained agricultural part of Building 1 so that it is accessed directly from the field to the north, the proposal before me would lead to a reduction in farm vehicles and machinery using the farmyard itself. I therefore consider that there would be likely to be no significant conflict between domestic and farm vehicles sharing the farmyard. However, this would not negate the noise-related harm caused by the dwellings' proximity to the retained agricultural part of Building 1 which I have found.
12. The proposed development would include small areas of external amenity space for the three dwellings, which the Council considers would be inadequate for family housing. Class Q does not specifically include requirements for the assessment of adequate amenity space, nor does it require that a building changed under Class Q should be accompanied by associated amenity land. Indeed, for Class Q there is an upper limit on the amount of land for which a change of use can be considered. I have also had regard to the requirements of the National Planning Policy Framework, notably paragraph 127 which requires that developments create places with a high standard of amenity for existing and future users. Although the external spaces would be modestly sized when considered alongside the dwellings they would serve, they would not need to be used for car parking which would take place in the farmyard. These spaces would therefore allow for an adequate, if somewhat limited, range of domestic outdoor activities. On balance therefore, I consider that the proposed provision of external amenity space would be acceptable, albeit that it would be somewhat smaller than might otherwise be expected for dwellings of the sizes proposed.
13. Consistency in planning decisions is a material planning consideration, and the appellant has drawn my attention to other cases in the local area where a split between agricultural and residential uses has been permitted in the same building, or where changes of use have been permitted on working farms. These include appeal decisions in respect of Lighthurst Farm, Oswaldtwistle

(APP/R2330/A/14/2229383) and 2 Carr Head, Rawtenstall (APP/B2355/W/18/3211193), as well as several schemes approved by the Council. Although I have been provided with some material such as drawings and Council officer reports, I do not know the full details of those cases, and it is not therefore clear that the combination of circumstances in any of those cases is directly comparable to this appeal, even where individual elements of the proposals may appear similar.

14. I conclude that there would be the potential for noise disturbance arising from the retained agricultural use of the northern part of Building 1 which would be harmful to living conditions for occupiers of the proposed dwellings. For the reasons I have set out above, I do not consider that this harm could be satisfactorily addressed by the use of conditions. The buildings' siting therefore makes the proposed change of use undesirable, and the proposal fails to comply with the requirements of Class Q in this regard.

Design and external appearance

15. The existing cement fibre cladding on the elevations of Building 1 would be removed and replaced with timber cladding (larch boarding). The existing areas of blockwork on the building would be given a textured rendered finish. The roof would be re-clad with grey corrugated roofing sheets. New windows and a door would be inserted into the western elevation of the building, and three new windows and two doors would be inserted into the eastern elevation. A new window would be inserted into the south gable elevation. The Council are concerned that this would give it a contrived domesticated character, that it would not be visually attractive or sympathetic to the character of the site.
16. The alterations would lead to a degree of domestication, although this would be an inevitable consequence of converting a relatively modern agricultural building into a dwelling. The use of painted render is not in my view inappropriate for either the type of building or its setting, while the larch board cladding would eventually weather and soften the appearance of the building, making it more sympathetic to its surroundings. However, the relatively small windows and door opening into the farmyard would, in my view, be lost in the long expanse of the building's western elevation. This would give it an unusual appearance which would not be visually attractive, and which would be at odds with the style and scale of the building as a whole.
17. The plans submitted show re-cladding and re-roofing to the whole of Building 1, and that the existing roller door on the on is western side would be relocated to the northern gable elevation. The northern part of the building which would be retained for agricultural use is not within the red-edge of the application site, and as such those works shown to the northern part of the building do not fall within the scope of my decision.
18. Building 2 would be retained with relatively few changes to its external appearance, with a single new window opening being created, a closed-off doorway reopened, existing doors and windows reshaped and replaced, and repairs carried out to its stonework. The Council did not raise any significant concerns in respect of the appearance of this building, and on the basis of the evidence before me I agree that its appearance would be acceptable.
19. Although the appearance of Building 2 would be acceptable, I conclude that the proposed design and external appearance of Building 1 would be incongruous

and visually harmful to the site as a whole. The proposal therefore fails to comply with the requirements of Class Q in this regard.

Conclusion

20. The appellant has requested, in the event of my being unable to allow the appeal in full, that I consider making a split decision and allowing it in part. This is on the basis of a previous appeal decision in respect of Mid Longacres Farm, in which the Inspector noted that 'the Council's sole concern relates to the large barn, which lies along the eastern side of the farm yard'², which I have referred to as Building 1. However, that decision was limited in its assessment to the extent of the building operations necessary to facilitate a change of use, and whether they were in line with the requirements of Paragraph Q.1 of the GPDO. The Inspector concluded that that proposal was not permitted development under Class Q, and he therefore did not go on to address the prior approval matters. I cannot draw from this earlier decision any conclusions in respect of the matters at issue in this appeal.
21. I have found that that Building 2 has the potential to be converted into a residential building which would be attractive in design and external appearance. However, I have also found that the potential for noise disturbance arising from activities in the part of Building 1 which would be retained for agricultural use would make the proposed scheme as a whole undesirable. Were I to issue a split decision, the whole of Building 1 would be retained for agricultural purposes, so the potential for harmful noise disturbance to future occupiers of the dwellings in Building 2 would be increased rather than reduced. Furthermore, as Building 1 would in those circumstances retain its access door onto the farmyard, there would be a greater potential for conflict between the agricultural activities of the farm and residents of Building 2 accessing their homes via the farmyard.
22. I consider that it would not be appropriate for me to issue a split decision to allow the scheme in part and, for the reasons given above the appeal is therefore dismissed.

M Cryan

Inspector

² Ref: APP/B2355/W/18/3208115