



Appeal Decision

Site visit made on 24 November 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th December 2020

Appeal Ref: APP/L3245/W/20/3255408

The Granary, Feather Knowle Farm, Ashford Bowdler, Ludlow, Shropshire, SY8 4DL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, 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 Tim Froggatt against the decision of Shropshire Council.
 - The application Ref 20/00409/PMBPA, dated 1 January 2020, was refused by notice dated 16 March 2020.
 - The development proposed is application for prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 for the change of use from agricultural to two residential units.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. No description of development is provided on the application form and the description given above is therefore taken from the Decision Notice.
3. The application was refused partly on the grounds that a structural survey had not been provided to demonstrate that the buildings were capable of conversion. However, a structural report was submitted¹ with the appeal which concluded that the proposed conversion could be achieved without any major demolition / reconstruction of the main load bearing fabric of the building. Following receipt of this report, the Council withdrew its objection to this element of the scheme. I see no reason to take a different view, and I have therefore not considered this matter in any further detail.

Main Issues

4. The main issues are whether:
 - (a) The proposal would be permitted development under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO'), having particular regard to whether the proposed works to the building go beyond those permitted under Class Q; and

¹ Ref 20/071/AWM/kb (Andrew Marcham & Co, 12 March 2020)

- (b) The proposal would result in acceptable living conditions for future occupiers with regard to noise and disturbance.

Reasons

Extent of the proposed works

5. Paragraph Q.1.(h) of the GPDO states that development is not permitted by Class Q if it would result in the external dimensions of the building extending beyond those of the existing building at any given point. In this regard, the submitted plans show that both proposed dwellings would contain outward opening windows and doors that would open onto land outside of the identified curtilage of the buildings.
6. Paragraph Q.1.(i) of the GPDO allows for the installation of new windows and doors for proposals submitted under Class Q, and there is no stipulation that they be inward opening only. Moreover, these features would not extend beyond the external dimensions of the building when in the ordinary closed position, and would do so only temporarily when open. In my view, this arrangement would accord with paragraph Q.1.(h).
7. For the above reasons, I conclude that the proposed works to the building do not go beyond those permitted under Class Q.

Living conditions

8. Paragraph Q.2.(1) of the GPDO states that where a proposal is permitted development, prior approval will be required for a number of matters. One such matter is whether the location or siting of the building makes it impractical or undesirable to change from an agricultural to a residential use. In this regard, the Planning Practice Guidance ('PPG') states that 'undesirable' reflects that the location or siting of the building would be "harmful or objectionable"². PPG also provides examples of where this may apply, including buildings adjacent to intensive poultry farming or silage storage. These examples illustrate that the effect of a proposal on the living conditions of future occupiers is capable of being considered under this matter.
9. In this case, the proposed dwellings would front directly onto a working farmyard. They would also be positioned opposite a large agricultural building that is used for machinery storage and for lambing, and an open-sided lean-to that is part of the operational farm. Whilst it is asserted that the farm operates in such a way that agricultural and residential traffic are separated, the only barriers between these areas are farm gates which can easily be opened. Moreover, I note that the lean-to has an access gate directly in front of the proposed dwellings. Accordingly, there is no meaningful separation between the 'agricultural' and 'residential' areas of the farm at present. Under this arrangement, agricultural vehicles and livestock could be moved directly in front of the proposed dwellings at any time of the day or night, next to windows that would serve bedrooms and living areas. This would be likely to give rise to significant noise and disturbance to future occupiers. Moreover, the proposed amenity area to the south of the dwellings would be largely surrounded by the operational farmyard and would be positioned opposite the entrance to an agricultural building that is used to store farm machinery. This would provide a poor garden environment.

² Paragraph Reference ID: 13-109-20150305

10. For the above reasons, I conclude that the proposal would result in unacceptable living conditions for future occupiers with regard to noise and disturbance. The siting of the building would be undesirable in this regard.

Other Matter

11. The submitted plans show a patio area and a fence at the rear of the largest of the 2 proposed dwellings, on land that falls outside of the red line boundary. However, the appellant has clarified that these are artistic additions to the plans that do not form part of the appeal proposal. Accordingly, I have determined the appeal on that basis.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR