



Appeal Decision

Site visit made on 10 November 2020

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 18th January 2021

Appeal Ref: APP/Z1510/W/20/3247114

Brambles Farm, Brambles Lane, White Colne, Essex CO6 2LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr and Mrs T Buck against the decision of Braintree District Council.
 - The application Ref: 19/02039/COUPA, dated 8 November 2019, was refused by notice dated 8 January 2020.
 - The development proposed is prior notification of a proposed change of use of agricultural buildings to dwellings.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The site comprises a farmyard containing various barns. The proposal includes conversion of a barn (building No 1) into two larger dwellinghouses. Two other barns would be converted into smaller dwellinghouses.
3. Class Q of the GPDO permits the change of use of an agricultural building to a dwelling, and building operations reasonably necessary to convert it.
4. Paragraph Q.1(b)(i)(bb) of Schedule 2, Part 3 of the GPDO states that development is not permitted by Class Q if the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres. Whether the proposal would exceed this limitation in respect of building No 1 is a matter of dispute between the main parties.
5. Noise impacts are not within the reason for refusal. Nevertheless, with regard to item Q.2(1)(c) of Schedule 2, Part 3 of the GPDO, the Council raises concern about noise impacts on future occupiers of two of the proposed dwellinghouses.
6. Accordingly, the main issues are:
 - whether the cumulative floor space of existing building No 1 that would change use to larger dwellinghouses is within the limitations set out in Class Q of the GPDO, such as to constitute permitted development; and if so

- whether or not the proposal should be granted prior approval, having regard to noise impacts on future occupants of the proposed dwellinghouses.

Reasons

Floor space

7. In respect of paragraph Q.1(b)(i)(bb) of Schedule 2, Part 3 of the GPDO, I interpret 'floor space of the existing building' to mean that which would be converted to a dwellinghouse. On this basis, as illustrated on the Plans and Block Plans drawings¹, the cumulative floor space of the existing building that would change use to larger dwellinghouses under Class Q, would not exceed 465sq.m.
8. Consequently the proposal would not exceed the limitation in paragraph Q.1(b)(i)(bb) in relation to proposed larger dwellinghouses. Therefore, the proposal would constitute permitted development under Class Q of the GPDO.

Noise impacts

9. A building in Class B8 (storage and distribution) use adjoins the full length of one side of building No 2. As such, it is likely that future occupants of the proposed residential unit in building No 2 would experience intrusive noise disturbance from the adjoining building. The gap between the north-eastern end of building No 3 and the nearby Class B8 building is modest. Furthermore, the proposed layout plan illustrates a proposed new Class B unit adjoining the residential unit in the north-eastern end of building No 3. In either scenario it is anticipated that the proximity and use of buildings would result in intrusive noise disturbance to future occupants of the northernmost residential unit in building No 3. There is not evidence presented, for example in the form of a substantive noise assessment, to persuade me otherwise.
10. In conclusion, the proximity of adjacent buildings and their uses would result in harm to the living conditions of future occupants of two of the proposed dwellings, in terms of noise impacts. Therefore, the proposal should not be granted prior approval, having regard to Paragraph Q.2(1)(c) of Schedule 2, Part 3 of the GPDO.

Conclusion

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

William Cooper

INSPECTOR

¹ Drawing Nos. BUCKJ CQLPB1 201 and BUCKS S1 205.