



Appeal Decision

Site visit made on 18 January 2021

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 04 February 2021

Appeal Ref: APP/V2635/W/20/3261513

Mintlyn Farm, Queen Elizabeth Way, Bawsey, Kings Lynn, Norfolk

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Article 3(1) and Schedule 2, Part 3, Class Q paragraphs (a) and (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Ashwicken Farms Limited against the decision of Kings Lynn and West Norfolk Borough Council.
 - The application Ref 19/02170/PACU3, dated 17 December 2019, was refused by notice dated 1 May 2020.
 - The development proposed is conversion of an existing agricultural concrete framed building into a dwelling. Part-concrete and part-block work external appearance of the building is to remain unchanged apart from the creation of openings to install joinery. Building is situated away from the road between several other agricultural buildings and is surrounded by concrete hardstanding.
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Decision

1. The appeal is allowed, and prior approval granted in accordance with Article 3(1), Schedule 2, Part 3, Class Q, paragraphs (a) and (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the change of use from an agricultural building to a dwelling at Mintlyn Farm, Queen Elizabeth Way, Bawsey, Kings Lynn, Norfolk in accordance with the terms of the application Ref: 19/02170/PACU, dated 17 December 2019. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision, in accordance with Paragraph Q.2(3) of the GPDO, and subject to the following additional conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: PP2100 Revision A, dated October 2019; PP 1000 Revision A (with the exception of the acoustic fence surrounding the whole site), dated October 2019 and 100, dated July 2019.
 - 2) Prior to the first occupation of the dwelling hereby permitted, a 1.8-metre-high acoustic fence shall be erected along the whole boundary of the site opposite the vehicular entrance to the farmyard shown on plan No PP1000. The fence as installed shall be maintained in position for as long as the building is used as a dwelling.
 - 3) Prior to the first occupation of the dwelling hereby permitted the windows and glazed doors of the dwelling shall be fitted with triple glazing. The triple

glazing as installed shall be retained in position for as long as the building is used as a dwelling.

Background and Main Issue

2. The Council have accepted that the proposed development complies with the requirements set out at Paragraph Q1. However, they do not accept that it meets the requirements of the conditions set out at Paragraph Q2, specifically that the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwellinghouse.
3. I note that reason for refusal No2 refers to the access track leading from Queen Elizabeth Way (QEW) to the appeal site. However, from reading this reason for refusal and the Council's other documentation this appears to relate to the practical use of the building as a dwelling and not issues associated with highway safety either on the access track or at its junction with QEW.
4. As a result, I consider that the Council has refused prior approval for the conversion of the agricultural building to a dwellinghouse in accordance with the GPDO on the grounds that the siting of the buildings makes it undesirable or impractical for the building to be used as a dwelling. I have therefore considered the appeal on this basis.
5. Consequently, the main issue in this appeal is the likely effect of the development on the living conditions of the occupiers of the proposed dwelling.

Reasons

6. The building which is the subject of this appeal lies some way from a public road on the edge of a complex of farm buildings. The access track serves at least two other dwellings, agricultural buildings, areas of woodland and agricultural land. It is hard surfaced for part of its length with speed bumps. The last part of the track, leading to the farm buildings, is loose surfaced.
7. Where the track meets the QEW traffic leaving is prohibited from turning right. Traffic entering from QEW is also prohibited from turning right. However, the access lies between two roundabouts on QEW. Therefore, it is relatively straight forward for traffic entering and leaving the access track to use these roundabouts to ensure that they comply with these requirements.
8. The appeal building itself is a single storey agricultural building with a concrete frame, faced with concrete and block work. There are some large openings to the rear, and these are to be glazed as part of the proposed conversion scheme.
9. It forms part of a group of buildings which have an agricultural character. Although it appears from the details supplied with the planning application that one of them is in non-agricultural use. The yard around these buildings at the time of my site visit appeared to be unused apart from some parked cars and a van close to the building identified as being in non-agricultural use. It also appeared that some agricultural structures have been removed from the area within which the buildings are located.
10. One of the principal elevations of the converted building would face directly on to the access track serving the agricultural buildings. Therefore, the headlights of any vehicle approaching the farm complex at night would shine directly on to

the building. However, given the current level of activity on the site it is likely that these incidents would be infrequent and certainly no more than a dwelling in a more urban location would experience. Moreover the 1.8 m high acoustic fence proposed by the applicant would assist in protecting the occupants of the proposed dwelling from unacceptable disturbance from vehicles entering the site from this direction.

11. Whilst there are other agricultural buildings in relatively close proximity to the proposed dwelling these appear to be not intensively used at present. The Planning Practice Guidance (PPG) states that the location of a building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.
12. I have seen no evidence of such uses or buildings adjacent to the building which it is proposed to convert to a dwelling in this proposal. Consequently, the likely effect of the activities within the existing buildings on the occupants of the proposed dwelling would be acceptable. As a result, I consider that the site is not undesirable from the point of view of the living conditions of the potential occupiers of the proposed dwelling.
13. With regard to the access track and whether it would lead to the location of the proposed building being impractical or undesirable it is important to bear in mind that it serves other dwellings. Moreover, there is no objection to the use of the access on to QEW on transportation or highways grounds from the County Highway Authority and the restrictions on egress from the site is clearly marked. Furthermore, the PPG gives the example of impractical as being a building on top of a hill with no road access, power source or other services. Clearly this building has a road access and, given its proximity to another dwelling, it is reasonable to assume that power and other services are readily available.
14. With regard to the restriction at the junction of the access track with QEW this is simply there to allow safe access to, and egress from the site. The close proximity of the roundabouts in each direction on QEW means that it is still convenient for vehicles to turn safely to either enter or exit the site. Consequently, I do not regard the use of the access track or its junction on to QEW as making the proposal impractical or undesirable in terms of the definitions set out in the GPDO.
15. The appellant has proposed a 1.8 m high acoustic fence to surround the site to help mitigate the potential effects on the living conditions of the occupiers of the proposed dwelling from the access track and the surrounding agricultural buildings. The Council has argued that such a fence would, in itself, result in the creation of undesirable living conditions for the proposed occupiers by virtue of loss of outlook and lack of adequate natural light to habitable rooms.
16. I have found that the overall siting of the building would not result in the creation of a dwelling in a location that would be either be impractical or undesirable. However, it could suffer from unacceptable disturbance from vehicles entering the site directly opposite one of its principal elevations.
17. Therefore, an acoustic fence between this elevation and the farmyard access would improve the living conditions for the potential occupiers without unduly impinging on their outlook or the natural light received in habitable rooms. As

the proposed acoustic fence would not, in these circumstances, entirely surround the proposed dwelling its outlook and the natural light received in habitable rooms would be maintained at a reasonable level.

Conclusion and Conditions

18. I find that the proposed site of the agricultural building and its conversion to a dwelling would be practical and desirable in terms of the GPDO and the advice and guidance given in the PPG. Therefore, the living conditions of the potential occupiers of the building would not be harmed by its conversion to a dwelling either through its proximity to other agricultural buildings nor its access.
19. I do however find that conditions are necessary to make the proposal acceptable. In particular, whilst I do not consider it necessary to surround the whole site with a 1.8m high acoustic fence, I do consider it is necessary to protect the elevation facing the farmyard access from disturbance from vehicular movements, especially at night.
20. I have therefore included a condition requiring an acoustic fence to be erected along the whole boundary of the site facing this access. This fence is to be erected prior to the occupation of the building as a dwelling and is to be retained thereafter as long as the building is used as a dwelling.
21. Given the proximity of the building to the existing agricultural buildings to its rear I consider it reasonable and necessary that a condition is imposed requiring the building to be triple glazed in order to protect the living conditions of the occupants of the proposed dwelling.
22. It is also important in the interests of clarity that the plans upon which this decision is based are referenced in this decision. I have therefore included a condition to this effect.
23. I therefore allowed the appeal.

Peter Mark Sturgess

INSPECTOR