



Appeal Decision

Site Visit made on 16 February 2021

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2021

Appeal Ref: APP/W1145/W/20/3262087

Barn 2, Broad Parkham Farm, Parkham, Bideford, Devon EX39 5PJ

- 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(1) and 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 Jason Lang against the decision of Torridge District Council.
 - The application Ref 1/0320/2020/AGMB, dated 16 April 2020, was refused by notice dated 15 June 2020.
 - The development proposed is described as Barn 1 has already been developed under Class Q. Please see site plan.
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Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q(a) and Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for prior notification for the change of use of agricultural building to 1 dwelling under Class Q and associated operational development at Barn 2, Broad Parkham Farm, Parkham, Bideford, Devon EX39 5PJ in accordance with the terms of the application Ref 1/0320/2020/AGMB, dated 16 April 2020, and the details submitted with it, pursuant to Article 3(1) and Schedule 2, Part 3, Class Q, paragraphs Q(a) and Q(b). 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 above Order, and subject to the following additional conditions:
 - (1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Annotated Site Location Plan (received by the Council on 20 April 2020); Barn 2 survey drawing (Drawing No 100); Barn 2 proposed floor plans & elevations (Drawing No 102); and Barn 2 site layout (Drawing No 110).
 - (2) Prior to first occupation of the development hereby approved, the building labelled 'A' on the Annotated Site Location Plan (received by the Council on 20 April 2020) shall permanently cease being used for any livestock, slurry, sludge or manure storage, and shall only be used for agricultural storage, the storage of agricultural machinery and/or the storage of crops/harvested crops.

Preliminary Matters

2. The proposal's description is taken from the Council's decision notice, which better captures the development's scope than that on the application form.

3. An additional drawing (Barn 2 site layout, Drawing No 110), showing the proposed private amenity space and parking spaces, was submitted with the appeal. Providing additional detail, the drawing does not materially alter the nature of the appeal proposal nor make it different in substance from that for which the application was made. The Council had the opportunity to comment on it in their appeal statement and interested parties were also able to view and comment on it. Consequently, I am satisfied that accepting the additional drawing would not prejudice the interests of interested parties and have therefore taken the drawing into account in reaching my decision.
4. The Council considers that the development accords with the requirements set out in Paragraph Q.1 of Schedule 2, Part 3, Class Q of the General Permitted Development Order 2015 (as amended) (GPDO). There is no evidence before me to the contrary.
5. After the Council issued its decision notice, the GPDO was amended to include the requirement under paragraph Q.2(1)(g) of Schedule 2, Part 3, Class Q relating to the provision of adequate natural light in all habitable rooms of the dwellinghouse(s). However, the requirement only applies to prior approval applications made on or after 1 August 2020, which is not the case here. I have therefore determined the appeal on this basis.

Background and Main Issues

6. Paragraph Q.2 of Schedule 2, Part 3 of the GPDO sets out that where the development proposed is under Class Q(a) together with development under Class Q(b), development is permitted subject to an application to the local planning authority for a determination as to whether their prior approval is required in relation to the matters set out in paragraph Q.2(1).
7. The evidence before me indicates that the Council do not consider that their prior approval is required in relation to the matters set out in Q.2(1)(a) to (d). On the basis of the submitted evidence, I have no reason to disagree. Accordingly, the main issues are:
 - whether the location or siting of Barn 2 would make its conversion undesirable, with particular regard to the effect of Barn G on the living conditions of occupiers of the proposed development; and
 - whether the conversion of Barn 2 would be undesirable and represent poor design, with particular regard to the layout and location or siting of the building in relation to the provision of private amenity space and its relationship with existing occupiers.

Reasons

Living conditions

8. The building the subject of the appeal proposal, Barn 2, is attached to the existing main farmhouse and located near to a variety of agricultural barns and other buildings. Situated to the north-west, Barn G has an unrestricted agricultural use, is currently used for keeping livestock, including calves, and contained a number of cattle at the time of my site visit. The barn and the stables closest to the appeal site (identified respectively as Barn A and building B on the annotated site location plan) shield Barn 2 from the remaining

agricultural barns and other buildings situated to the west and north-west of the site, including Barn G.

9. Although Barn G is only approximately 20 metres away from the site, the distance between the two and the screening presence of the intervening buildings means that there is a good degree of spatial and physical separation between them. Barn G also faces south rather than towards the site and has a ventilation system. In addition, it seems to me that the size of Barn G, which is not particularly significant, also provides a natural limit on the potential intensity of its use and, for example, the number of livestock that it could accommodate.
10. I am therefore satisfied that the living conditions of future occupiers of the proposed development would not be unacceptable in relation to noise, odours and flies arising from the use of Barn G. On my site visit, I also observed that the relationship between Barn 2 and the agricultural buildings – including Barn G – on the holding would not be significantly different to that of the existing farmhouse or Barn 1, which is attached to the other end of the farmhouse, relatively close to Barn 2, and is currently being converted under prior approval to a residential use.
11. My attention has been drawn to two appeal decisions involving proposed Class Q conversions of agricultural buildings to dwellinghouses within active farmsteads. Although I have noted both cases, the details before me indicate that the circumstances of each are sufficiently at variance to be not particularly comparable to the appeal proposal. For example, the appeal at Heath Farm involved the proposed conversion of a barn immediately adjacent to a sizeable livestock building while the proposed dwellings in the appeal at Hill View would have fronted directly onto a working farmyard. Accordingly, I have judged this appeal proposal on its own merits.
12. For the above reasons, I conclude that the location and siting of Barn 2 would not make its conversion undesirable, with particular regard to the effect of Barn G on the living conditions of occupiers of the proposed development. Furthermore, the muck heap related to the horses kept on the wider farmstead (identified as location J on the annotated site location plan) is sufficiently distant from the appeal site.

Amenity space and existing occupiers

13. Like the existing farmhouse and Barn 1, Barn 2 would face onto the residential courtyard that sits between the three units. There would therefore be a relatively close relationship between their front elevations and the occupiers of each unit. However, the layout and siting would not be particularly unusual for properties in a courtyard setting. As shown on the Barn 2 site layout drawing, the proposed development would also have private amenity space at the rear.
14. Although the area would be relatively small, it nevertheless represents a reasonable area of curtilage for Barn 2 and would provide future occupiers of the appeal scheme with an acceptable area of useable private outdoor space. With the area extending along the rear of Barn 2 and ending before the kitchen window of the farmhouse, there would also be sufficient separation for Barn 2 to function as a separate, independent unit of accommodation from the occupiers of the existing farmhouse and Barn 1.

15. For the above reasons, I conclude that the conversion of Barn 2 would neither be undesirable nor represent poor design, with particular regard to the layout, location and siting of the building in relation to the provision of private amenity space and its relationship with existing occupiers.

Other matters

16. The Environmental Protection Officer's comments on the prior approval application included reference to foul drainage. However, the Council has not alleged that the proposed development would be unacceptable in relation to this matter, it has not been put to me that any requirements or conditions are necessary, and the evidence before me does not indicate otherwise.

Conclusion and Conditions

17. For the above reasons, I conclude that the appeal should be allowed and prior approval is deemed to be granted.
18. Any planning permission granted for the change of use of agricultural buildings to dwellinghouses under Article 3(1) and Schedule 2, Part 3, Class Q(a) and Q(b) of the GPDO is subject to the condition Q.2(3) which specifies that the development shall be completed within a period of 3 years starting with the prior approval date. Paragraph W(13) of Part 3 of Schedule 2 of the GPDO also allows the granting of prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. In the interests of certainty, I have imposed a condition requiring that the development is carried out in accordance with the relevant approved plans.
19. The Council suggested conditions relating to land contamination and restricting the use of various agricultural buildings in the vicinity of the site. Given the proximity of Barn A to the appeal site, a condition restricting its use is necessary in the interests of the living conditions of future occupiers of the proposed development. However, on the basis of my above findings relating to Barn G and the degree of separation between the site and Barn F (the covered yard area), conditions restricting the use of Barns F and G are neither necessary nor reasonable. A condition covering contamination is also not necessary because contamination issues are commonly covered by other legislation and I also have little substantive evidence that the site could be contaminated. I have therefore declined to impose these conditions.

T Gethin

INSPECTOR