



Appeal Decision

Site visit made on 24 February 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2021

Appeal Ref: APP/W1145/W/20/3260270

Agricultural Shed Near The Beeches, Yarnscombe, Devon EX31 3LW

- 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.
 - The appeal is made by Mr Crocker against the decision of Torridge District Council.
 - The application Ref 1/0371/2020/AGMB, dated 4 May 2020, was refused by notice dated 9 July 2020.
 - The development proposed is conversion of The Shed, Near The Beeches, Yarnscombe to a residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. It is common ground that the proposal meets the requirements of paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) such that it would constitute development permitted under Class Q, subject to the prior approval of certain matters. There is no dispute between the parties regarding these prior approval matters, aside from whether or not the location or siting of the development makes it impractical or undesirable for the use of the building to change.
3. As such, the main issue is whether or not the location or siting of the building make it impractical or undesirable for the building to change to the proposed dwellinghouse, in terms of the effect on the living conditions of future occupiers.

Reasons

4. The Planning Practice Guidance advises that a reasonable ordinary dictionary meaning should be applied to 'undesirable' as it appears in the GPDO to reflect that the location in question would be 'harmful or objectionable'.
5. Paragraph W(10)(b) of Schedule 2, Part 3 of the GPDO requires that regard be had to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval as if considering a planning application. Paragraph 127 of the Framework, amongst other things, states that decisions should ensure that developments promote health and well-being, with a high standard of amenity for existing and future users.
6. The shed comprising the appeal site sits between the two distinct but adjacent farmsteads at Lower Northchurch Farm and Northchurch Farm, which are to the west and east respectively. Whilst Lower Northchurch Farm is closer, its farmyard is separated from the site by solid concrete walls, and I observed that much of its buildings were in use for storage, with little evidence of livestock.

Moreover, the farmhouse at Lower Northchurch Farm shares a similar situation to the appeal site and it is unlikely that its occupants would allow themselves to be exposed to harmful or objectionable effects from their own farming activity.

7. However, the nearest part of the farmstead at Northchurch Farm contains a large livestock shed, in use at the time of my visit. Whilst its frontage faces away from the site, its rear walls are formed of hit and miss timber boarding which logically provides ventilation. In my view, this proximity, size, form and use of the shed creates a high likelihood of unpleasant animal smells and other objectionable disturbances such as flies being experienced at the appeal site.
8. The proposed dwelling would have its main living area at first floor to its east side, with outlook over the livestock shed via windows aside a large opening. Its outdoor amenity space would also be to the east and south of the building. Whilst I accept that a prospective purchaser would be aware of the potential for disturbance, in my view the resultant relationship between the proposal and Northchurch Farm would lead to unacceptable living conditions at the property. This would also raise the potential for complaints which could lead to impositions being placed upon the operation of Northchurch Farm. Whilst I note that occupants of The Beeches, to the south of the farm, have seen no reason to complain, this is no guarantee that this would also be the case here.
9. The appellant has directed me to a granted residential barn conversion which would be closer to the livestock building¹, and other schemes which would be as close or closer to farm buildings elsewhere². However, distance is not the only factor which influences this type of relationship, and it is evident that the barn for conversion at Northchurch Farm is separated from the livestock shed by an intervening building. Ultimately, each case must be assessed on its own individual merits, and the limited details I have of these other schemes does not aid the proposal to achieve compliance with the GPDO.
10. Farmers retain a degree of control over the effects of farming on their homes. In the hypothetical event that either farmhouse at the farms adjacent to the site was to be sold off, I do not agree that any resultant harmful relationship between the farm and third parties should justify the undesirable situation that would arise here. Whilst I recognise the appellant's intention for the conversion to be occupied by someone used to agricultural smells, this is not a situation I can be certain will happen, nor could I rely on it not to change if it did.
11. Drawing my findings together, the location and siting of the building makes it undesirable for the building to change to the proposed dwellinghouse, in terms of its effect on the living conditions of future occupiers.

Conclusion

12. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR

¹ Ref 1/1197/2018/FUL

² Ref 1/0354/2020/AGMB and an unreferenced scheme at Bishops Tawton