



Appeal Decision

Site visit made on 16 February 2021

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2021

Appeal Ref: APP/D3505/W/20/3254460

Ardley House farm buildings, Lavenham Road, Great Waldingfield, Suffolk CO10 0SF

- 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 (as amended)(the GPDO).
 - The appeal is made by Mr P Edwards against the decision of Babergh District Council.
 - The application Ref DC/19/05058, dated 25 October 2019, was refused by notice dated 18 December 2019.
 - The development proposed is three dwellings.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 23 February 2021.

Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) for the three dwellings at Ardley House farm buildings, Lavenham Road, Great Waldingfield, Suffolk CO10 0SF, in accordance with the terms of the application Ref DC/19/05058, dated 25 October 2019 and the plans submitted with it.

Background and Main Issues

2. The proposal is for three small dwellings provided by the conversion of outbuildings to the rear of Ardley House. The development is permitted under Class Q of the GPDO, subject to complying with the conditions, limitations or restrictions specified under Part 3. The appeal is against the condition requiring prior approval over specified matters, which the Council had refused. In the light of this decision, the main issues relate to the transport and highway impacts of the proposal and whether the location or siting makes a residential use otherwise impractical or undesirable, with particular regard to noise and odour.

Reasons

3. The three dwellings would make use of an existing entrance serving the host dwelling and outbuildings. The B1115 in this location is of two-way width with central markings, and has a narrow footway running along the side adjacent the appeal site. Three small dwellings would not add materially to the traffic movements at the appeal site junction, when compared to the previous agricultural use. There is sufficient visibility onto the B1115 at this site to

conclude that safe and that suitable access to the site can be achieved for all users, as required by paragraph 108 b) of the National Planning Policy Framework (the Framework).

4. The development would involve blank walls backing onto the operational farm with the openings to the closest dwellings facing away. There would be noise from the vehicles and machinery involved with the farming operations and some odour from the livestock housed in adjacent buildings. I am mindful that Class Q of the GPDO grants approval in principle, broadly equivalent to outline planning permission.
5. In this context, the noise and odour impacts from the adjacent farm upon residential living conditions would be insufficiently harmful to conclude the location or siting of the buildings being either impractical or undesirable for the residential use permitted under Class Q. The requirements of paragraph 182 of the Framework would be met, by the operation of an existing farm here not having a significant adverse effect on the housing permitted.

Other Matters

6. I have had regard to the further concerns raised by interested parties to the original application and this subsequent appeal. Because approval is granted in principle under Class Q, the proposal is not the subject of development plan policy as would be the case with an application for planning permission. Therefore, whilst there might be no demonstrated need for further housing in Great Walmingfield, this factor would not weigh against prior approval being granted. The same argument applies to the location being outside the settlement boundary defined in the development plan.
7. The PPG clarifies¹ that the Class Q permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. In this case, the relatively poor pedestrian accessibility to the main village would be insufficient grounds for me to find the location either impractical or undesirable for the change of use to residential.
8. The scale of any harm or loss to the significance of Ardley House as a non-designated heritage asset arising from the permitted development would be small. Having had regard to paragraph 197 of the Framework, the effects would not be such as to find the proposal undesirable. My conclusions are the same in respect of the internal living space provided in the three units, which in varying degrees fall short of the nationally described standards².

Conditions and conclusion

9. Under Class Q, the proposal is conditional upon being completed within three years, in accordance with the plans submitted for prior approval. Such approval may be subject to further conditions reasonably related to the subject matter. As the site would accommodate adequate cycle and waste bin storage and provide adequate access visibility and on-site manoeuvring and parking space,

¹ Paragraph: 108 Reference ID: 13-108-20150305 Revision date: 05 03 2015

² Technical housing standards – nationally described space standard - March 2015 Department for Communities and Local Government.

the further conditions recommended by the Council are not considered necessary in this case.

10. Having taken into account all further matters raised, and for the reasons given, I conclude that the appeal be allowed.

Jonathan Price

Inspector