
Appeal Decision

Site visit made on 15 June 2021

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 July 2021

Appeal Ref: APP/F0114/W/21/3271554

Cinderlands, Cameley Road, Temple Cloud, Bristol BS39 5AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs P Dando against the decision of Bath & North East Somerset Council.
 - The application Ref 21/00231/ADCOU, dated 14 January 2021, was refused by notice dated 9 March 2021.
 - The development proposed is Prior Approval request for change of use from agricultural building to 1 No dwelling.
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Decision

1. The appeal is dismissed.
2. The proposal seeks the change of use of an agricultural building to dwellinghouse, with building operations reasonably necessary for the conversion under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This has certain limitations and conditions which include not exceeding the curtilage of the buildings and the extent of building works being reasonably necessary for the conversion.
3. I have given consideration to the development plan only in so far as the proposal relates to the matters concerned in the prior approval.

Main Issues

4. The main issues are: whether the proposed development complies with the limitations in the Order in terms of the extent of the area of land the subject of the appeal, the extent of works and the living conditions of the occupants with regard to the adjacent agricultural operation.

Reasons

The area of land subject to the proposal

5. The appeal site is on the edge of the village of Temple Cloud. It is at the end and just behind a frontage of twentieth century low rise houses, with the countryside immediately to the south and west. The appeal site is accessed by a tarmacked drive to the side and rear of Cinderlands.

6. The appeal site includes several timber clad and metal sheet roofed agricultural style outbuildings on one side of a concrete yard with the other side being formed by buildings which are outside the appeal site. There is an adjacent fenced grassed area which at the time of my site visit was being used for rearing free range hens.
7. The red line of the appeal site includes the access drive, the buildings proposed for the conversion and the above grassed area, which the layout plan shows would be used for parking and turning. Section X of the Order provides the interpretation of Part 3 and criterion (b) states that the land is no larger than the land occupied by the agricultural building. Consequently, the proposal would not be in compliance.
8. The appellants suggest that the included land is important for the amenity and functioning of the dwelling. I also note that the comments that other notifications have included such additional land and have been allowed, however I have not been provided with comprehensive details and the above limitation is very clear. Similarly, the resulting dwelling would be ideal for any occupant(s) with impaired mobility. However, the above would not overrule the stipulations of Section X.
9. I therefore conclude that due to the extent of the appeal site, the proposal would fail to meet the requirements of Class Q.

The extent of works

10. As I noted on my site visit, the buildings are in reasonable repair, on a concrete floor and the interior appeared to be weatherproof. The application details propose that the cladding would be retained externally and repaired where necessary and covered internally. The roof would have a new surface and the structural report shows some strengthening of the roof.
11. The buildings are single storey with windows allowing reasonable daylighting and I noted that they are level. Consequently, they would readily lend themselves to a conversion.
12. I note the Council had concerns about the potential demolition of the walling, but the specified works in the submitted details show it would be akin to a conversion rather than rebuilding.
13. I therefore conclude that the proposal in this respect would meet the requirements of Class Q.

Living conditions of the occupant(s)

14. The decision notice makes reference to the potential nuisance from the use of the adjacent farm building. However, I saw that this has a solid facing wall which would limit the emissions of noise and smell.
15. The appellants' statement specifies that they control the surrounding land and the potential for adverse impact should not arise. Additionally, any subsequent occupier would also be aware of the situation.
16. I therefore conclude that the occupant(s) of the proposal would not be likely to endure poor living conditions. In this respect, the proposal would comply with the requirements of Class Q.

Other matters

17. An assessment and survey by an ecologist has been submitted which found that the buildings offered negligible potential for bat roosting and similarly nesting birds. The report makes recommendations for biodiversity improvements in the event of a permission. However, this does not lead me to a different conclusion.

Conclusion

18. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR