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## Appeal Decision

Site visit made on 8 June 2021

**by C Beeby BA (Hons) MIPROW**

**an Inspector appointed by the Secretary of State**

**Decision date: 5<sup>th</sup> July 2021**

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**Appeal Ref: APP/V2635/W/21/3269716**

**Stow Road Farm, Outwell Road, Stow Bridge PE34 3NU**

- 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 Doubleday against the decision of King's Lynn and West Norfolk Borough Council.
  - The application Ref 20/02025/PACU3, dated 3 December 2020, was refused by notice dated 27 January 2021.
  - The development proposed is described in the officer report and decision notice as the "change of use of agricultural buildings to 5 residential dwellings (1 large and 4 small)".
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. 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 GPDO), planning permission is granted for change of use of an agricultural building to a dwellinghouse subject to limitations and conditions.
3. Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required in respect of various matters. One of these is whether the location or siting of the building makes it impractical or undesirable for the building to change from agricultural use to a dwellinghouse.

### Main Issue

4. The main issue is consequently whether the proposed development would provide acceptable living conditions for future occupiers with regard to noise, odour and insect levels.

### Reasons

5. The appeal site lies adjacent to an area of current and former buildings associated with Mortons Farm. This was previously used as a small cattle farm but has recently been sold. Nevertheless, its current use remains as an agricultural site, as no change of use permission has been granted.

6. Some former barns at the site have been demolished, however a number of brick outbuildings and part of a metal roofed structure remain. As a result, the area still contains buildings which could be put to an agricultural use.
7. Whilst the surrounding area is agricultural and there is potential for other livestock farming in the vicinity, there is minimal indication that this is likely to occur. However, the Mortons Farm unit has been in relatively recent use for cattle rearing and a number of outbuildings remain. In the absence of substantive contradictory evidence, there is consequently moderate potential for livestock farming at the site to resume.
8. The farming of cattle at Mortons Farm would inevitably be a source of associated noise and odour, with the potential for insects to be attracted to the site, notwithstanding the inherently limited scale of the operation. These issues would carry the potential to cause unacceptable harm to the living conditions of the occupiers of the proposed development due to its close proximity to the farm site. Whilst some existing dwellings lie in the vicinity, the property which lies in similar proximity to the farm buildings as the proposed development is associated with Mortons Farm, and hence the occupiers are likely to have a different perception of the effects of any agricultural use at the adjacent site. As a result, the situation is not comparable.
9. Thus, the proposed development would not provide acceptable living conditions for future occupiers with regard to noise, odour and insect levels. The location of the buildings therefore makes it undesirable for them to change from agricultural use to dwellinghouses, and prior approval is consequently refused.
10. In reaching my conclusions I have taken into account development plan and National Planning Policy Framework (2019) (the Framework) policies insofar as they are relevant to the planning judgment to be made. The harm which would arise from the dwellings' locations consequently conflicts with Policy DM15 of the SADMPP, which requires proposals to be assessed against a number of factors including noise and odour. Additional conflict exists with the design, natural environment and pollution provisions of the Framework.

### **Other Matters**

11. The appellant has raised concerns regarding the availability of comments on the application. The comments in question are referred to and summarised in the Council's officer report, and the concerns raised reflect those within the reason for refusal of prior approval. They are also extracted in the Council's statement of case. The appellant has consequently had the opportunity to respond to the issue and therefore it is not necessary for me to pursue the matter further.

### **Conclusion**

12. For the reasons given above, I conclude that the appeal should be dismissed.

*C Beeby*

INSPECTOR