



Appeal Decision

Site visit made on 17 May 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 20 June 2022

Appeal Ref: APP/U2370/W/22/3290566

Weavers Farm, Weavers Lane, Cabus, Preston, Lancashire, PR3 1AJ

- 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 & Miss J & A Davis and Grey against the decision of Wyre Borough Council.
 - The application Ref 21/01397/COUQ, dated 18 November 2021, was refused by notice dated 7 January 2022.
 - The development proposed is prior approval for proposed change of use of agricultural building to a dwelling house (C3) with building operations.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. The appeal scheme follows an earlier refusal (ref 21/00875/COUQ) of a substantially similar scheme. The proposal has been amended to include a timber fence between farm buildings to the north.
3. There is no dispute that the appeal scheme 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. For permitted development under Class Q(a), namely a change of use from an agricultural building to a Class C3 dwellinghouse, prior approval is required in respect of matters including whether the location or siting of the development make it impractical or undesirable for the use of the building to change.
4. Therefore, the main issue is whether the location or siting of the building would make the proposed change of use impractical or undesirable, with particular regard to the living conditions of future occupiers.

Reasons

5. The appeal building is part of a farmstead group that includes several large modern agricultural buildings, extensive hardstanding yard areas and a dwelling. It is a traditional detached stone barn with a slate roof. There is an attached single storey block and corrugated roof building on its eastern side, which also has an attached building in a mix of materials. The north facing elevation of the appeal building abuts the yard area and it is approximately 8m from nearby agricultural buildings. The farmstead is served by 2 access points

from Weavers Lane, one serving the dwelling and the appeal building and the other serving the larger buildings and yard. Prior to the erection of the fence to the north of the appeal site, vehicles could gain access to the entirety of the farmstead via either access point.

6. The farmstead currently operates in an ancillary capacity to an arable holding at Cockerham. The agricultural buildings and the yard area to the front of the appeal building are used for the storage and maintenance of agricultural vehicles and machinery. At the time of the earlier application, one of the buildings was also used to house cattle over winter.
7. The proposal would be a 3 bed dwelling. The attached building to the rear of the appeal site would be removed to create parking and a garden area. There would be glazed doors opening into the rear garden but the main entrance to the dwelling would be via a door in the north-facing front elevation. There would be new ground floor window openings in the front elevation to serve the kitchen diner and lounge. The large cart door opening would be glazed.
8. Taking into account the nature of farming, there would be potential for agricultural activities to take place in the wider site at any time of the day or night and 7 days a week. Notwithstanding the current use of the agricultural buildings, the farmstead could be used for other agricultural purposes, including more intensive vehicular activity or livestock rearing. Consequently, the close proximity of the proposal to the agricultural yard and buildings has the potential to result in significant disturbance and nuisance to future occupiers including overnight. The proposal would not be the creation of places which promote health and well-being with a high standard of amenity for future users, as required by the National Planning Policy Framework.
9. Furthermore, the pedestrian access for occupiers and visitors to the dwelling would be in the front elevation. The door would open directly onto the hardstanding yard and vehicular access. There would be no separation between vehicles and people entering or leaving the property. This might be an acceptable arrangement if the adjacent hardstanding was in residential use. However, it would be a hazardous arrangement if farm vehicles and machinery operated immediately outside the dwelling. The proposal would not prioritise pedestrians and it would not achieve a safe and suitable access for all users.
10. The Planning Practice Guidance (the PPG) states that, in the absence of a definition of impractical or undesirable in the regulations, the local planning authority should apply a reasonable ordinary dictionary meaning. In this regard, impractical reflects that the location and siting would not be sensible or realistic, and undesirable reflects that it would be harmful or objectionable. The PPG emphasizes that a building being in a location where permission for a new dwelling would not normally be granted is not sufficient reason to refuse prior approval. However, the change may be undesirable if it is adjacent to other uses where the impact cannot be mitigated.
11. In this case, the appellant has sought to mitigate the adverse effects of the adjacent agricultural operations through the erection of timber fencing to divide the yard into 2 distinct areas. As illustrated on the plan, this would physically separate the working yard and buildings from the internal access that serves the existing dwelling and the appeal site. The appellants' intention is that agricultural vehicles would have no access to the area given over to amenity, driveway and curtilage for the proposed dwelling.

12. I accept that the subdivision of the yard to create residential access and land separate from the agricultural use to the north would mitigate the access arrangements and, to a degree, disturbance associated with nearby agricultural activities. However, Class Q(a) relates only to a change of use of a building and any land within its curtilage. In this case, and in order to comply with the requirements of Paragraph X of Schedule 2 in relation to curtilage, the hardstanding immediately to the north and east of the building, and the location of the fence, are excluded from the curtilage of the building. The land abutting the curtilage would remain in its existing lawful agricultural use. Accordingly, irrespective of the appellants' intentions or extent of land ownership, there would be no mechanism to ensure that the fence would be retained, that the land adjoining the curtilage would not be used by agricultural vehicles or that the nearby buildings would not be used for more intensive agricultural purposes in future.
13. Therefore, by virtue of the close proximity of the proposal to the agricultural uses, the location and siting of the appeal building make it undesirable for the proposed change of use, with particular regard to the living conditions of future occupiers.

Other Matters

14. The existing farmhouse is occupied without detrimental effects from nearby agricultural operations. However, it differs from the appeal building in a number of ways. It is sited further away from the large agricultural buildings and the yard. It is set in large grounds and its principal elevations either face away from the farmstead group or are screened from it by the appeal building. Its residential access and parking areas, its elevations and its grounds are contained and separated from the agricultural use by defensible boundaries. The relationship between the farmhouse and the agricultural buildings and yard is not directly comparable to the proposal and it does not provide a justification for a new dwelling in this location.

Conclusion

15. For the reasons set out above, I conclude that the proposal is not permitted development under the GPDO. Consequently, it is development for which an application for planning permission would be required.
16. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR