



Appeal Decision

Site visit made on 26 May 2022

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 22 June 2022

Appeal Ref: APP/Q1153/W/21/3286610

Higher Narracott, Exbourne, Okehampton EX20 3QX

- 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 & Mrs A Thompson against the decision of West Devon Borough Council.
 - The application Ref 3452/21/PDM, dated 6 September 2021, was refused by notice dated 27 October 2021.
 - The development proposed is described as the proposed change of use of agricultural building to 1 No. dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above I have used the site address and description of development as included within the appeal form.

Main Issue

3. It is common ground between the main parties that the appeal scheme meets the requirements of paragraph Q.1 of Part 3, Schedule 2 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, prior approval is required in respect of a number of matters, including the transportation and highways impacts of the proposal, noise impacts of the development and whether the location or siting of the development make it impractical or undesirable for the use of the building to change.
4. Although the Council has given two reasons for refusal on its decision notice, having reviewed the evidence and submissions I have considered it appropriate to identify a single main issue.
5. The main issue in this appeal is whether the location or siting of the building would make it impractical or undesirable for it to change from agricultural use to a use falling within Class C3 (dwellinghouses), having regard to the living conditions of future occupiers in respect of safety, noise, and odours.

Reasons

6. The appeal site comprises land and a single storey, block built barn with a monopitched roof, accessed from a narrow trackway. East of the appeal barn is Higher Narracott farmhouse. To the north of and adjacent to the barn is a number of buildings, agricultural in appearance, of varying scales.
7. The Council have put it to me that the proposed dwelling would be located adjacent to operational farm buildings and that, consequently, use of those agricultural buildings would be likely to result in adverse effects on the living conditions of future residents of the appeal scheme in terms of noise disturbance, odours and safety risks associated with traffic movements at Higher Narracott.
8. The evidence confirms that the abovementioned adjacent buildings are in the ownership of the Appellants, and it has been put to me that those buildings are not currently used for agricultural purposes and that it is not the Appellants' intention to use those structures to support agricultural activities.
9. Whilst the Appellants' submissions in that regard are noted, the evidence confirms that the appeal site and the buildings at Higher Narracott were in agricultural use as part of an established agricultural unit and that that use remains its extant purpose. Given that I have no definitive or substantive evidence before me that those structures located adjacent to the appeal building would be unsuited for agricultural purposes, that use could still occur.
10. If that agricultural use were to occur, the proximity of the adjacent agricultural buildings would be likely to give rise to nuisance from noise and odours, through their use for storage of machinery or housing of livestock. There does not appear to be dispute between the main parties that access onto the highway would be to an acceptable standard. However, if agricultural use of the adjacent buildings were to occur, then, given the siting of the appeal building within the cluster of buildings at Higher Narracott, there would be likely to be conflict between residents and their private vehicles and agricultural vehicles seeking to access the adjacent agricultural buildings and the agricultural land beyond the existing farmhouse. That, in my view, would result in unacceptable risk to the safety of future occupants of the proposed dwellinghouse.
11. I have had regard to the Planning Practice Guidance (the PPG), including what is meant by undesirable for the change to residential use. Whilst the PPG lists a number of uses which may be considered undesirable for a residential building to be located adjacent to, this list is not definitive. The proposal is directly adjacent to buildings and hardstanding where farming operations could take place. For the above reasons and given that there is no evidence before me that the adjacent agricultural buildings could not be used for farming purposes and there does not appear to be any other mechanism before me which would restrict agricultural activities in respect of those structures, in my opinion, the living conditions for future occupants would not be of an acceptable standard in terms of safety, noise and odours, and this would make conversion of the appeal building undesirable.
12. For the above reasons, I conclude that the location and siting of the appeal building makes it undesirable for the proposed change of use to a dwellinghouse, as identified in paragraph Class Q.2(1)(e) of Part 3 of Schedule 2 of the GPDO. This is due to its proximity to agricultural buildings

and the subsequent potential effect on the living conditions of future residents of the proposed dwelling as a consequence of noise disturbance, odours, and safety.

13. Whilst I note that the Council's second reason for refusal referred to the proposal failing to meet Class Q.2(1)(a) of Part 3 of Schedule 2 of the GPDO, it is clear from the main parties' submissions that the concern does not relate to highway impacts, but rather concerns whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwellinghouse as described above. I have therefore not considered further the requirements of Class Q.2(1)(a), and this follows the approach taken by the Appellants and the Council within their statements.
14. I acknowledge the Appellants' reference to an appeal submitted in relation to the conversion of other agricultural buildings at Higher Narracott. However, there is no certainty that those conversions would occur, and I have not been provided with any details of the relevant application, for example with regards to whether those buildings are structurally sound, whether any proposed works would meet the requirement that those buildings are capable of being converted to dwellings and that building operations would be to an extent reasonably necessary for the buildings to function as dwellinghouses. As such, in allowing the appeal on the basis of that information, it could potentially lead to a situation where a residential use is located within the middle of a farmstead which could re-establish an active agricultural use.

Conclusion

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

Mr A Spencer-Peet

INSPECTOR