
Appeal Decision

Site visit made on 25 October 2022

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2022

Appeal Ref: APP/D1265/W/22/3293196

Manor Farm, Sherborne Road, West Stour SP8 5RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior 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 and Mrs Tizzard against the decision of Dorset Council.
 - The application Ref P/PAAC/2021/04801, dated 16 November 2021, was refused by notice dated 16 December 2021.
 - The development proposed is change of use and conversion of barn buildings to form 3 No. dwellings (Class C3).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Class Q permits development consisting of (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) or (b) development referred to in (a) together with building operations reasonably necessary to convert the building referred to in (a) to a Class C3 (dwellinghouse) use. The appeal relates to development under both Q(a) and Q(b), so that the proposal relates to the change of use to residential as well as associated facilitating works.
3. The Council considers that the proposal accords with the requirements set out in Paragraph Q.1 (a) – (m) of the 2015 GPDO so that it is permitted development. There is no evidence before me to the contrary.

Main Issues

4. The main issues are whether the siting of the building makes it otherwise undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses), having regard to Paragraph Q.2 (1) (e) of the 2015 GPDO, in respect of:
 - The living conditions of future occupiers of the proposed dwellings, by virtue of noise disturbance impacts; and
 - The setting of the Grade II listed 'Manor Farmhouse'.

Reasons

Living conditions

5. The appeal site forms part of an agricultural unit known as Manor Farm, which is located on the edge of the hamlet of West Stour in open countryside, and to the north of the A30. The Grade II listed farmhouse and its residential curtilage front onto the road, and the farm buildings are located to the north and west sides of it. The farm complex is served by two vehicular accesses from the A30.
6. The building, the subject of the proposed conversion, comprises two distinct elements, consisting of a metal-framed Dutch Barn with a high curved roof, together with a lower, single storey section with a cat-slide roof. At the time of my site visit, the building and an outside pen adjacent to its northern end were occupied by cattle.
7. The building is sited in the eastern part of the farm complex, to the rear of the residential farmhouse. It is close to neighbouring residential properties in Manor Farm Gate and Church Street, which lie to the east side of the farm. The barn building to the north of the appeal site benefits from prior approval consent¹ for conversion into two dwellings. I saw during my site visit that this has not yet been implemented, and that the building is currently used for hay storage.
8. Whilst located within the same farm complex and near to the appeal site, I find the circumstances of the siting of the consented residential conversion, in relation to its agricultural and residential surroundings, to be significantly different to those of the appeal barn. As such, the granting of prior approval on that building does not necessarily persuade me that such an approval should be granted for the appeal scheme.
9. In particular, that building is sited in a more peripheral position within the farm complex than is the case with the appeal site. As such, it is subject to a less intensive level of surrounding farm-related activity. I have noted the distance at the closest point between that building and the cattle yard to the rear of the barn which is directly west of the appeal site, and the existence of a farm access track which runs along the east side of the consented building. However, that building benefits from a more open outlook than the appeal site building, due to being closer to undeveloped farmland to the west of the site and a hay storage area to the north. It also has a more spacious relationship with the adjacent neighbouring dwellings to its east side than is the case with the appeal building.
10. The appeal barn is sited in a more central position within the appeal site and close to a range of potential noise sources emanating from the farm business. Notably, existing internal farm access tracks run alongside three sides of the building. To the south of the building is the main vehicular access track to the farm from the A30. This provides access to a number of farm buildings and structures located to the west and south-west of the appeal site, as well as extending northwards, then eastwards, alongside the proposed residential building, towards the northern part of the farmyard.
11. As such, future occupiers of the proposed dwellings would experience noise impacts associated with the use of these tracks, including those associated with agricultural vehicles, livestock and farmworkers traversing the internal site access routes in connection with the day-to-day farming activities, within close

¹ Ref 2/2020/1145/AGDWPA

- proximity of three sides of the building and the proposed residential garden area.
12. Also, there is a large barn located directly to the west of the track which runs adjacent to the western side of the appeal site barn. This is the largest barn within the farm complex and currently houses livestock. As such, activities associated with its use would reasonably be expected to have significant impacts upon the living conditions of the occupiers of the proposed dwellings. Its length extends to beyond the north and south sides of the appeal site building and it provides open access to an attached open animal pen adjacent to the rear of the building. A large part of the front of the building is also open, as is the upper part of the wall which faces the appeal site.
 13. I saw during my site visit that this building and the pen to the rear are used to accommodate cattle and calves. On the basis of the number of livestock that I observed within this part of the farm during my site inspection, together with the level of noise that was emanating from the building at the time of my visit, I find that due to the proximity of this part of the working farm to the appeal site, there would be significant noise impacts on the living conditions of any future occupiers of the appeal scheme, particularly given that such noise levels could reasonably be expected to occur during unsociable hours, given the cattle farming nature of the enterprise.
 14. These noise impacts would be compounded by the proposed residential layout, whereby, due to the siting constraints resulting from the proximity of the building to the adjacent dwellings to the east, the new dwellings have been designed with their primary windows and private external amenity areas facing towards the aforementioned sources of noise disturbance. In particular, the main outlook from the dwellings will be towards the large adjacent barn and intervening access track.
 15. It is reasonable to assume that this layout is largely attributable to the close proximity and elevated position of the building in relation to the rear gardens of three adjacent properties in Manor Farm Gate, having regard to mitigating the potential impact of the appeal scheme upon the privacy and outlook of the occupiers of those properties, whose main private external amenity areas abut the appeal site.
 16. This awkward juxtaposition of buildings is reinforced by the inclusion within the appeal scheme of 2m high boundary fencing along the eastern site boundary to mitigate privacy impacts on the adjacent residential properties having regard to the differences in ground levels and the proposed rear accesses to two of the properties. Whilst this is not specifically referred to in the Council's reason for refusal, and there is no disagreement between the main parties that this could be built under permitted development, this element of the proposal would have an undesirable enclosing impact on the outlook from the rear fenestration and rear gardens of those properties due to its elevated position in relation to these properties and its proximity to their rear elevations. As such, its inclusion within the scheme is symptomatic of the undesirable siting of the appeal building in respect of its change to a dwellinghouse.
 17. I accept that a degree of agricultural activity would reasonably be expected to occur within the near vicinity of Class Q residential developments. However,

having regard to advice in the Planning Practice Guidance,² I find that, having regard to the details of the proposal and the position of the appeal scheme barn in relation to the aforementioned surrounding agricultural activities, that noise disturbance impacts would exceed a level that would be accepted as reasonable in this instance, and, as such, the siting of the building makes it undesirable for it to change to a residential use.

18. In reaching this conclusion, I have taken into account whether the appellants' suggested conditions in respect of the provision of boundary fencing to the scheme and a restriction of the use of the adjacent barn to an agricultural storage use instead of the housing of livestock, would make the proposal acceptable.
19. I have not been provided with complete details in respect of the proposed conditions, and, on the basis of the information before me, I am not persuaded that such conditions would meet the test of reasonableness or would make the scheme acceptable.
20. Having regard to the proposed shallow depth of residential curtilage, and hence proximity of any proposed boundary fencing to the proposed dwellings, combined with a requirement for a fencing design which would be of sufficient height and solidity to effectively mitigate noise impacts from the operation of the farm, I am not persuaded that such a condition would be reasonable, having regard to its effect on the principal outlook from the new dwellings.
21. I have noted the appellants' stated intentions to move livestock to their main site at Kington Farm. However, in the absence of any substantive evidence to the contrary, such as a greater level of detail about the operation of Manor Farm as a whole, and how it relates to Kington Farm, I am not persuaded that the suggested condition preventing the occupation of the barn to the west by livestock would not be unreasonable, having regard to any impacts on the operation and viability of the farming enterprise. In this regard, I have taken account of the large size of the barn and the associated likely number of cattle that would need to be moved elsewhere, which would be in addition to the livestock that would be re-housed from the appeal site barn.
22. In addition, two-thirds of the large barn would remain available for the housing of livestock, together with the open pens to the rear of that part of the building. Also, the farm access tracks around the site would remain as such. On this basis, I am not persuaded, on the basis of the evidence before me, that this proposed condition would make the development acceptable in respect of satisfactorily mitigating noise disturbance emanating from the adjacent agricultural activity.
23. I have noted the appellants' intention to remove a slurry tank to the northwest of the appeal site as part of the conversion of the barn to the north into residential accommodation. However, this would be dependent upon the implementation of that permitted development scheme, and, as such, would not fall under the remit of the current appeal development.
24. I acknowledge that there are existing residential properties close to the eastern boundary of the farm complex, and that there is no evidence before me that there have been any complaints to the Council in respect of noise from the

² Paragraph: 109 Reference ID: 13-109-20150305

adjacent farming activities. However, the juxtaposition of the existing neighbouring residential properties in relation to the farming operations are not directly comparable with those of the appeal site building, which is exposed to, and within close proximity of, a greater number of noise-generating impacts than the existing adjacent dwellings, due to its position within a more central part of the farmyard.

25. For the above reasons, the siting of the building makes it otherwise undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses), having regard to Paragraph Q.2 (1) (e) of the 2015 GPDO, in respect of the living conditions of future occupiers of the proposed dwellings, by virtue of noise disturbance impacts.

Listed building setting

26. Manor Farmhouse was built circa 1800 as a farmhouse, and it has retained this function, together with its original essential plan form and elevations, since then. It occupies a visually prominent road-facing position within the farm complex, and its historical role as a farmhouse is still clearly apparent, having regard to its architectural detail, the value of which is noted within the listing description, and its setting which comprises a number of agricultural buildings, with which it has a current and/or historical functional relationship.
27. The appeal site building is a twentieth century structure of utilitarian design. Whilst having no individual significant architectural merit, it comprises part of a group of agricultural buildings of varying ages and designs which reflect the historic development of the original farm and are therefore of significance to the setting of the listed building.
28. The character and appearance of the appeal site barn would be notably altered by the proposed removal of the large Dutch Barn element. However, whilst the building would have a more residential character, its original agricultural design would still be clearly evident within the retained part of the structure. As such, a perceived functional relationship of the building with the listed farmhouse and with the surrounding agricultural buildings would remain. Moreover, the proposal would not appear incongruous within the context of a number of original barns associated with the farmhouse having already been converted into residential use, whilst retaining their original structure and character.
29. Whilst the proposal would introduce residential curtilage around the building, this would be restricted in size to that permitted under Class Q of the GPDO. Moreover, it would not, in itself, be materially harmful to the setting of the listed building, which already includes residential curtilages to the farmhouse and to the converted former agricultural buildings and other new dwellings to the east of the farm site.
30. Having regard to the above considerations, the appeal scheme would not materially harm the setting of the listed building or materially affect its architectural and historical significance.
31. For the above reasons, I conclude that the siting of the building is acceptable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses), having regard to Paragraph Q.2 (1) (e) of the 2015 GPDO, in respect of the setting of the Grade II listed 'Manor Farmhouse'.

Conclusion

32. For the above reasons given, and on the basis of the evidence before me, whilst I have found the siting of the building to be acceptable having regard to the setting of the Grade II Listed 'Manor Farmhouse', I nevertheless conclude that its siting makes it undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, having regard to the living conditions of future occupiers of the proposed dwellings in respect of noise disturbance impacts.
33. As such, the proposal is not permitted development under Schedule 2, Part 3, Class Q, Paragraph Q.2 (1) (e) of the 2015 GPDO. Consequently, it is development for which an application for planning permission would be required.
34. The appeal is therefore dismissed.