



Appeal Decision

Site visit made on 8 November 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2022

Appeal Ref: APP/C1570/W/22/3290693

Barn North Of Leaden Hall Barns, Stortford Road, Leaden Roding, 558992, 213431

- 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 Strutt and Parker (Farms) Ltd against the decision of Uttlesford District Council.
- The application Ref UTT/21/1753/PAQ3, dated 21 May 2021, was refused by notice dated 16 July 2021.
- The development proposed is change of use of agricultural building to 2 no. dwellings.

Decision

1. The appeal is allowed, and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of agricultural building to 2 no. dwellings at Barn North Of Leaden Hall Barns, Stortford Road, Leaden Roding, 558992, 213431 in accordance with the terms of application Ref UTT/21/1753/PAQ3, dated 21 May 2021, subject to the conditions in the attached schedule.

Applications for costs

2. A costs application was made against the Council by the appellant. This is the subject of a separate decision.

Preliminary Matters

3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) permits development involving the change of an agricultural building and any land within its curtilage to up to 3 larger dwellinghouses, subject to the criteria set out in Schedule 2, Part 3, Class Q of the Order. Paragraph W of Part 3 sets out the prior approval process, and states that an application may be refused where the proposed development does not comply with conditions, limitations or restrictions that are applicable to it.
4. The application form did not include a description of the proposed development. I have therefore used the description given on the Council's decision notice as it accurately describes the proposal.

Main Issue

5. The main issue in this case is whether the proposal would be permitted development in accordance with Schedule 2, Part 3, Class Q of the Order, considering:

- Whether the extent of demolition proposed exceeds what is reasonably necessary,
- Noise impacts of the development; and,
- Contamination risks on the site.

Reasons

Extent of demolition

6. The Council's concerns over the extent of demolition proposed relate to the removal of the open-sided canopy that is next to the barn proposed to be converted. A section of the barn would also be demolished as part of the proposed works, but the Council has raised no objection to this aspect of the proposal. Given that it is a relatively small section of the barn, principally comprising the roof projecting from one end of the barn and which is open on two sides, I see no reason to disagree with this.
7. The canopy is a substantial structure, taller than the barn and with a sizable footprint. I saw during my site visit that this is a separate freestanding structure, with no physical connection to the barn, but due to its proximity to the building and clear functional relationship it falls within the same curtilage.
8. The Order permits partial demolition to the extent reasonably necessary to carry out building operations reasonably necessary for the building to function as a dwellinghouse.
9. The freestanding canopy lies next to what would be Unit 2 of the proposed development. Its demolition would allow the land beneath to be used as a garden and parking area. I consider that the removal of the canopy is reasonably necessary to allow Unit 2 to function as a dwellinghouse, as it would otherwise lack an open garden. As the canopy is not part of the barn to be converted and in itself is a lightweight, open-sided structure, I do not consider that the extent of demolition proposed, including the removal of the projecting roof section, exceeds what is reasonably necessary in this case.

Noise

10. The proposal is for 2 additional dwellings, with a total of 7 bedrooms. The submitted plans indicate parking for 5 cars at the site. Access to the site would be via an existing track that is partly paved, and partly laid with gravel. The converted Leaden Hall Barns back onto the track, with low, open boundaries facing onto the open countryside beyond it.
11. The noise survey provided with the appeal concludes, based on an average of 1 vehicle movement per hour along the track, that there would be no unacceptable noise impact to the occupiers of Leaden Hall Barns. This assumes that a total of 4 cars for the proposed houses, rather than the 5 for which provision is made. However, even if I were to assume 1 car per bedroom, for a total of 7, as well as daily deliveries to each house, the level of traffic along the track would still be low. While it is likely that this level of traffic along the track would be higher than is typical on most days arising from the agricultural use, the track is for the most part a significant distance from each of the converted barns, if not from their garden boundaries. Given this separation, the short duration of any noise resulting from traffic on the track, and the modest volume of traffic that would be associated with the proposed 2 houses, there would be no unacceptable noise impacts from the development.

Contaminated land

12. Given the agricultural use of the site, there may be contaminated land at the appeal site. The council's statutory consultee recommended conditions that would allow any contamination risks on the site to be addressed. I see no reason to doubt appropriate remediation, if required, could be secured.

Other Matters

13. Third parties have raised additional concerns regarding the development. Concerns such as the impact on views of the countryside, privacy and overlooking, wildlife and livestock and security during construction do not fall within those matters that can be considered under Class Q.
14. Property values are affected by a wide range of factors, and the effect of development on them is not a planning consideration.
15. It has been suggested that the appeal site should be accessed by the Public Right of Way that runs along the other side of the Leaden Hall Barns site. However, that proposal is not before me and I have not found that the proposed access would be unacceptable.
16. Concerns have been expressed over flooding, but the site lies in Flood Zone 1 and the development would result in a reduction in the extent of hardstanding at the site.

Conditions

17. I have had regard to the conditions suggested by the Council, as well as to national Planning Practice Guidance on conditions. I have imposed conditions stating the limit for commencement of development in accordance with Class Q (1) and confirming the approved plans (2) for the sake of certainty.
18. Given the site's rural location it is likely that future occupiers of the houses will be dependent on private vehicles. To support the Government's objective of promoting sustainable transport, a condition requiring the installation of electric vehicle charging points (3) is reasonable.
19. Given the potential for contaminated land to be present at the appeal site, conditions securing appropriate remediation as required (4-8) are reasonable and necessary to prevent harm to future occupiers.

Conclusion

20. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR

Schedule of conditions

1. The development hereby permitted must be completed within a period of three years from the date of this decision in accordance with Schedule 2, Part 3, paragraph Q.2 (3) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans: LOCATION PLAN_AS EXISTING 1:1250 @ A3, SITE PLAN_AS EXISTING 1:500 @ A3, TOPOGRAPHICAL SURVEY_AS EXISTING

1:200 @ A3, FLOOR PLAN_AS EXISTING 1:150 @ A3, ELEVATIONS_AS EXISTING 1:150 @ A3, SITE PLAN_AS PROPOSED 1:500 @ A3, FLOOR PLAN_AS PROPOSED 1:150 @ A3 and ELEVATIONS_AS PROPOSED 1:150 @ A3.

3. Prior to occupation each dwelling shall be provided with at least 1 electric vehicle charging point. The charging points shall be fully wired and connected, ready to use and retained thereafter.
4. No development approved by this permission shall be commenced prior to the submission to, and agreement of the local planning authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with a view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
5. If the local planning authority is of the opinion that the report which discharges condition 4 indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the local planning authority which includes:
 - (i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors; and,
 - (ii) The results from the application of an appropriate risk assessment methodology
6. No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report, if required as a result of condition 5, has been submitted to and approved by the local planning authority
7. This site shall not be occupied, or brought into use, until:
 - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition 6 have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.
 - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the local planning authority. The verification report shall include disposal records, waste transfer receipts etc, to ensure that all waste disposal is traceable.
8. If contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the local planning authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with land contamination risk management published by the Environment Agency. A written report of the findings should be forwarded for approval to the local planning authority. Following completion of remedial measures, a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of the development should be occupied until all remedial and validation works are approved in writing.

End of schedule