



Appeal Decision

Site visit made on 19 January 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2024

Appeal Ref: APP/W0530/W/23/3328558

**78-80 Flittons Farm, Station Road, Steeple Morden, Cambridgeshire
SG8 0NS**

- 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 Adam Green on behalf of BBA Developments Ltd against the decision of South Cambridgeshire District Council.
 - The application Ref 23/01730/PRIOR, dated 1 May 2023, was refused by notice dated 27 July 2023. The development proposed is the conversion of an agricultural building to 1 no. residential dwelling (Class C3). The development includes the following; conversion of agricultural building into one dwelling; the building is cited to the east of the existing farmhouse and accessed from Station Road; the external materials will be replaced/repared and new window and door openings created.
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Decision

1. The appeal is allowed and prior 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) ('the GPDO') for the conversion of an agricultural building to 1no. residential dwelling (Class C3). The development includes the following; conversion of agricultural building into one dwelling; the building is cited to the east of the existing farmhouse and accessed from Station Road; the external materials will be replaced/repared and new window and door openings created, at 78-80 Flittons Farm, Station Road, Steeple Morden, Cambridgeshire SG8 0NS in accordance with the application Ref 23/01730/PRIOR dated 1 May 2023, and the details submitted with it pursuant to Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO.
2. The approval is subject to conditions set out by Paragraph Q.2(3) of Schedule 2, Part 3, Class Q of the GPDO in that development must be completed within a period of 3 years from the date of this decision, as well as the provisions specified in Paragraph W, and the following conditions:
 - 1) The development hereby permitted shall not be occupied until works for the disposal of foul and surface water have been completed at the property, in accordance with details that have first been submitted to and approved in writing by the local planning authority. Thereafter the foul and surface water drainage system shall be retained and maintained in accordance with the approved details for the lifetime of the development.
 - 2) If during construction, contamination not previously identified is found to be present at the site, such as putrescible waste, visual or physical evidence of

contamination of fuels or oils, backfill or materials containing asbestos, then no further development shall be carried out until additional measures for its remediation have been submitted to and approved in writing by the local planning authority. The remediation of the site thereafter shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to and approved by the local planning authority prior to the occupation of the development.

- 3) Demolition or construction works shall take place only between 0800 -1800 on Monday to Friday, and 0800 – 1300 on Saturday, and shall not take place at any time on Sundays or on Bank or Public Holidays.

Preliminary Matters

3. I have used the description of the development provided on the planning application form, albeit in the interests of clarity, I have removed those elements that do not relate to acts of development.
4. There is no dispute the proposal meets the requirements of paragraph Q.1 of the GPDO and therefore that it constitutes Permitted Development under Class Q, subject to prior approval of certain matters.
5. For development permitted under Class Q(a) and (b), which relate to a change of use from an agricultural building to a Class C3 dwellinghouse together with building operations reasonably necessary to convert the building, paragraph Q.2(2) of the GPDO requires prior approval of a number of matters. The condition in Paragraph Q.2(1)(a) relates to the transport and highways impacts of the development.

Main Issue

6. Having regard to the above, the main issue is whether the proposal would be acceptable in relation to transport and highways impacts.

Reasons

7. The building subject to the appeal is located within a farmyard, along with the existing farmhouse. I understand that another building within the farmyard is currently being converted for residential use.
8. The existing farmyard access is directly onto Station Road and crosses a wide grass verge. The road is subject to the national speed limit, the topography is flat, and the alignment of the road is relatively straight as it passes the appeal site. Despite the existing telegraph pole within the verge close to the site entrance, there is currently good visibility from the access down the road in both directions.
9. The appellant has provided a Transport Statement ('the TS') which identifies that the building would be currently likely to generate between 8 and 25 trips per day in agricultural use, and around six trips per day if used as a residential dwelling.
10. The Highway Authority considers that the proposal would amount to an intensification of the use of the existing access. However, this appears to be on the basis of the barn being currently used for domestic storage only, and there is no dispute directly in relation to the baseline assumptions for trip generation used within the TS.

11. I am aware that is not a matter of dispute between the two main parties that the building is currently being used for agricultural purposes. Furthermore, the evidence indicates that the building is used for agricultural purposes, and I saw on my site visit that it contained a tractor and other agricultural paraphernalia.
12. Taking account of this, I conclude that the building is being used for agricultural purposes, and a level of trip generation would result from this existing use. The evidence does not indicate that such use is fettered in any way. On this basis, I have no reason to doubt that the level of trip generation would be somewhere within the range of 8 to 25 trips, as set out in the TS.
13. Therefore, and noting that there is no dispute over the assumed level of trip generation associated with the building being used as a single dwelling, the proposal would lead to a reduction in the number of trips generated by the building, albeit I accept that the level of reduction could be marginal. Accordingly, the level of use of the existing access would also be likely to reduce and there is no substantive evidence before me to indicate that it is currently operating in an unsafe manner.
14. The Council has indicated that the proposal would lead to two additional residential properties at Flittons Farm, as the conversion of another agricultural building has previously received prior approval and is under construction. Whilst this may be the case, the evidence before me indicates that the other dwelling would use a different vehicular access. Accordingly, it would not affect the use of the access that the appeal proposal would utilise.
15. Therefore, whilst it has not been shown that the visibility splays requested by the Council could be achieved without requiring the use of land in third party ownership, having regard to my reasoning above, I consider that the provision of such splays would not be necessary in this instance.
16. In these circumstances, I conclude that the proposal would be acceptable with regard to transport and highway impacts, and Condition Q.2.(1)(a) is satisfied.

Conditions

17. Any planning permission granted under Article 3(1) and Schedule 2, Part 3, Class Q is subject to the condition that it must be completed within a period of 3 years starting with the prior approval date. It is therefore not necessary for me to attach a time limit condition. Further standard conditions are set out at Paragraph W.(12) of Schedule 2, Part 3 of the GPDO requiring development to be undertaken in accordance with the provided details, so there is no need to attach a further condition to this effect.
18. Paragraph W.(13) of Schedule 2, Part 3 of the GPDO allows conditions to be imposed that are reasonably related to the subject matter of the prior approval. I have considered the conditions suggested by the Council in light of this paragraph and the advice on conditions contained in national guidance.
19. I have attached conditions requiring the provision of a suitable drainage system in the interests of preventing flooding, relating to a methodology for dealing with any contamination on the site in the interests of the living conditions of future occupiers, and limiting the hours of construction in the interests of living conditions of occupiers of nearby residential properties. These conditions would all be reasonably related to matters for which prior approval would be required, and I have attached them accordingly.

20. As I have attached a condition requiring details of a drainage strategy to be agreed and implemented, it is not necessary for me to also attach a condition relating to the prevention of surface water draining across the highway. Furthermore, I have not attached conditions relating to the specification of the access or restricting the use of unbound materials, as the proposal would make use of an existing access and would represent a reduction in the intensity of such use. Consequently, the imposition of such conditions would not be necessary in order to make the development acceptable.
21. For the same reasons, I have not attached the suggested condition relating to the provision of a 2m x 2m visibility splay, and in any event, I am unsure as to whether third party land would be required in order to provide such a splay, or whether it would include the existing telegraph pole.
22. I have also not attached the suggested conditions in relation to the provision of a Traffic Management Plan or a Construction Management Plan as the scale of the development, being a single dwelling, is such that I consider it unlikely to generate high levels of traffic or construction activity, and as its completion would be required within 3 years, it would be unlikely to be of significant duration. I am also mindful that the building could currently be used for agricultural purposes, including the use of machinery, on an unrestricted basis. I therefore consider these conditions to be both unnecessary and unreasonable.
23. I do not doubt that the implementation of a scheme of ecological enhancement and measures set out in the provided ecological report, along with the provision of a lighting scheme for biodiversity would be beneficial, however these issues are not reasonably related to matters for which prior approval would be required, and I have therefore not attached them in this instance.

Conclusion

24. For the reasons given above, I conclude that the appeal should be allowed, and prior approval is granted.

C Harding

INSPECTOR