



Appeal Decision

Site visit made on 18 April 2024

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2024

Appeal Ref: APP/L2630/W/23/3330030

Pound Lane Barn, Pound Lane, Toft Monks, Norfolk, NR34 0EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under 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 appeal is made by Mr Collen of H J Collen and Sons against the decision of South Norfolk Council.
 - The application Ref is 2023/0180.
 - The development proposed is change of use of agricultural building to residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Article 3 and Schedule 2, Part 3, Class Q of the GPDO, grants planning permission for: (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) of the Schedule to the Use Classes Order; or (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule. Such development is permitted subject to the limitations and restrictions set out within paragraph Q.1. (a) to (m) inclusive.
3. Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to assess a limited range of matters, listed (a) to (g) at paragraph Q.2.(1).

Main Issues

4. The main issues are i) whether the proposed development would comply with the requirements applicable to development permitted by Class Q of the GPDO, with particular regard to the extent of the proposed building operations; and ii) whether the location or siting of the agricultural building make it undesirable for use as a dwellinghouse in terms of its effect on the living conditions of future occupiers.

Reasons

Extent of building operations

5. The appeal site comprises a large barn, which has a solid concrete floor and concrete pillars that support a timber framed roof structure and corrugated roof sheets. The walls are constructed in a mixture of brickwork, blockwork, and timber cladding. There is some corrugated cladding above the eaves levels on the eastern and western elevations, with the remainder of the eastern elevation being open to allow access for large machinery. Although part of the timber cladding on the southern elevation is missing or damaged, this could easily be repaired or replaced without the need for planning permission, as a maintenance operation that would not materially alter the external appearance of the building.
6. Paragraph Q.1. (i) of the GPDO permits the installation or replacement of windows, doors, roofs or exterior walls to the extent reasonably necessary for the building to function as a dwellinghouse and partial demolition to the extent reasonably necessary to carry out such works. The Planning Practice Guidance provides further guidance in this regard, establishing that 'it is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore, it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right'.
7. The external works proposed would include painting the masonry, replacing the wall and roof cladding, constructing a new timber clad wall on the eastern elevation, and installing new windows, doors and rainwater goods. Whilst I have not been provided with proposed plans for the western elevation, it is assumed that the asbestos cladding above the brickwork on that side would also be replaced with new timber cladding or matching brickwork.
8. The building appears structurally sound and the submitted Barn Survey and Structural Assessment confirms that the barn is suitable for conversion, in its current state. As this report appears to have been informed by a suitably qualified person and the Council has not provided any compelling evidence to the contrary, I have no reason to doubt its conclusions and I therefore afford this significant weight.
9. The evidence before me confirms that the existing barn is strong enough to facilitate the proposed external alterations shown on the plans, which would be reasonably necessary for the building to function as a single dwellinghouse. The other works required would be internal, would not materially affect the external appearance of the building and thus would not amount to development as defined by Section 55 of the Town and Country Planning Act 1990.
10. I am therefore satisfied that the building is structurally sound and would form an integral part of the conversion into a new dwelling. The building operations proposed would be reasonably necessary for the conversion and would not exceed the limitations set out in the GPDO. The majority of the works would be internal or would constitute maintenance, improvement or other alteration under S55 of the Act, not re-building or new build. As such, the proposal would constitute permitted development as set out under Schedule 2, Part 3, Class Q of the GPDO.

Living conditions

11. Where proposals would constitute development under Class Q, it is necessary to determine whether the prior approval of the local authority will be required as to various potential impacts of the development. This includes, at criteria e, assessing whether the location or siting of the building makes it otherwise impractical or undesirable for a dwelling.
12. The Planning Practice Guidance (PPG) sets out that 'undesirable' reflects that it would be "harmful or objectionable". The location of a building adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals is given as an example of a where conversion may be undesirable. This example is not a closed list of potential undesirable circumstances.
13. The appeal building is located immediately adjacent to a further agricultural building. This comprises an open sided pole barn with a concrete floor. Whilst the evidence before me confirms that this was previously occupied by grain silos, these had been removed at the time of my visit.
14. There is no indication before me that this building would be demolished, and its retention suggests that it is intended to be re-used. There is nothing to prevent the barn from being re-used for agricultural purposes in the future. It has also been brought to my attention that the barn could be used for flexible commercial purposes in accordance with Class R of the GDPO. Either of these potential future uses could result in harmful or objectionable living conditions for occupiers of the proposed dwelling as a result of noise, dust, odour, vibration or the storage of dangerous products, machinery and equipment, together with associated comings and goings and vehicular activity, in close proximity to the proposed dwelling.
15. I have had regard to the Noise Impact Assessment submitted, which advises that nighttime noise levels were higher than expected given the rural location of the site and that internal noise levels within habitable rooms cannot be achieved with windows open. External noise levels in the outside areas immediately surrounding the proposed dwelling also slightly exceeded the recommended criteria for external residential amenity areas. Whilst exceptions are often made in urban areas, I do not consider it reasonable that a large family home in the countryside should need to keep its windows closed. The use of 1.8m high close boarded fencing to reduce garden noise would also not be the preferred or most attractive form of boundary treatment in this rural location. Furthermore, the Noise Assessment was undertaken when the adjoining barn was not in use. Clearly the reuse of the barn could introduce new sources of noise that have not been accounted for, together with other forms of harm as mentioned above.
16. Notwithstanding the above, I noted that the barn was located adjacent to a quiet country lane with very little traffic movement or traffic noise. Except for the adjoining building, the surroundings comprise arable farmland and sporadic residential development. Whilst some seasonal farming work in the nearby fields could result in noise and dust, this would be very infrequent.
17. My attention has been drawn to an appeal in which an Inspector allowed the partial conversion of a barn to a dwelling, with the remainder of the building being retained for agricultural use. I do not have the full details of that case

and note that the Inspector was satisfied from the evidence before him that the intensification that could occur in that case would not be harmful.

18. However, based upon the evidence before me in this case, I cannot be satisfied that the future use of the adjoining agricultural building and its curtilage, would not result in harmful or objectionable living conditions to future residents of the proposed dwelling.

Conclusion

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

R Bartlett

INSPECTOR