



Appeal Decisions

Site visit made on 22 May 2024

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 04 June 2024

Appeal A Ref: APP/W2845/W/23/3331971

Sibbertoft Barn, Welford Road, Sibbertoft LE16 9UL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 James Patrick Kelly against the decision of West Northamptonshire Council.
 - The application Ref is 2023/5064/PA.
 - The development proposed is described as 'Class Q Prior Approval for the conversion of an agricultural barn to 1 larger dwellinghouse (Class C3)'.
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Appeal B Ref: APP/W2845/W/24/3339084

Sibbertoft Barn, Welford Road, Sibbertoft LE16 9UL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 James Patrick Kelly against the decision of West Northamptonshire Council.
 - The application Ref is 2023/7680/PA.
 - The development proposed is described as 'Class Q Prior Approval for the conversion of an agricultural barn to no.1 dwellinghouse (Class C3)'.
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Decision

1. Appeals A and B are dismissed.

Applications for Costs

2. Applications for costs were made by Mr James Patrick Kelly against West Northamptonshire Council. These applications are the subject of a separate decision.

Preliminary Matter

3. There are two appeals on this site which relate to the same scheme. They are intrinsically linked and raise the same issues. To avoid repetition, I have dealt with both in a single decision letter.

Background and Main Issue

4. The parties agree that the appeal scheme meets the requirements of paragraph Q.1 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(a), namely a change of use from an agricultural building to a Class C3 dwellinghouse, prior approval is required in

respect to a number of matters, including whether the location or siting of the development make it impractical or undesirable for the use of the building to change.

5. The main issue is whether the location and siting of the building make it undesirable for the building to change to a dwellinghouse, in terms of its effect on the living conditions of future occupiers of the proposed dwellinghouse, with particular regard to odour.

Reasons

6. The appeal site is in close proximity to an existing sewage treatment works (STW), which is located to the east.
7. At the time of my visit, I was able to smell an unpleasant odour emanating from the STW. Whilst I am mindful that this is a snapshot of time, so too are the findings of the Odour Assessment, notwithstanding best practice guidance for undertaking odour surveys. I have no substantive evidence of whether the odour is intermittent or frequent and what its impact on the living conditions of future occupiers is likely to be. In the absence of such evidence, I cannot be satisfied that the future occupiers of the dwellings would not be adversely affected by odour from the STW.
8. I note that the existing mature boundary hedge would prevent views between the proposal and the STW and that the site operates in line with regular procedures in respect of odour abatement. The Council refer to a 400m 'cordon sanitaire', however there is no policy basis for this and there are existing residential properties approximately 230m to the east of the STW. Nevertheless, this separation distance is significantly greater than that between the proposal and the STW. Overall, these matters do not alleviate my concerns as set out above.
9. I acknowledge that no objections were raised by Anglian Water and that STW are not explicitly listed within the Planning Practice Guidance (PPG) as a use that may be undesirable in close proximity to a new dwelling. However, a lack of response does not indicate support nor is the list within the PPG exhaustive. As such, these are neutral matters which neither weigh in favour of nor against the proposal.
10. Consequently, in respect of both Appeal A and Appeal B, I must take a precautionary approach and conclude that the location and siting of the building would make it undesirable for the building to change to a dwellinghouse, in terms of its effect on the living conditions of future occupiers of the proposed dwellinghouse, with particular regard to odour. Therefore, the proposal would not meet condition Q.2(1)(e) of the GPDO and prior approval cannot be given.

Conclusion

11. For the reasons given above, I conclude that both Appeal A and Appeal B should be dismissed.

K Allen

INSPECTOR