



Appeal Decision

Site visit made on 8 August 2024

by R Lawrence BSc (Hons), PGDip (TP), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2024

Appeal Ref: APP/X0360/W/23/3330791

Stokes Farm, Binfield Road, Binfield, Wokingham RG40 5PR

- 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 and Mrs S Baker against the decision of Wokingham Borough Council.
 - The application Ref is 231260.
 - The development proposed is Prior approval for proposed change of use of an agricultural building.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The proposal relates to works under Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the GPDO), for the change of use of part of an existing agricultural building to a dwelling (Use Class C3) with associated works.
3. The planning application form sets out the location of the site, amongst other matters, rather than describing the development proposed. I have therefore used the description of development set out on the appellants appeal form.
4. The Council's evidence makes reference to the National Planning Policy Framework (the Framework). In accordance with the GPDO, I have had regard to the Framework only in so far as it is relevant to the prior approval matters.
5. The Council refused to grant prior approval for two reasons, both relating to the conditions set out under paragraph Q.2 (1) of the GPDO. However, within its statement of case the Council also contends that the proposal would fail to accord with the requirements set out at paragraph Q.1 (a) of the GPDO.
6. Therefore, the main issues in this case are:
 - whether the proposal would constitute permitted development, with regard to whether the site was used solely for an agricultural use as part of an established agricultural unit (Class Q.1 (a)); and if the proposal is found to constitute permitted development,

- whether the design and external appearance of the building would be acceptable, and
- whether the location or siting of the development make it impractical or undesirable for the use of the building to change to a dwellinghouse, in terms of the standard of accommodation for future occupiers.

Reasons

Agricultural use

7. The building subject of the prior approval application is located within a large agricultural holding and is accessed by a track which also provides access to one other building.
8. Under paragraph Q.1(a), development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit on 20 March 2013, or when last in use, or – if brought into use after 20 March 2013 – for a period of at least ten years before the date that development under Class Q begins.
9. The building, which is also referred to as the chicken shed within the evidence, was occupied until recently as part of a poultry farming operation. There is no evidence to indicate that the building was used for any purpose other than for agriculture since the 20 March 2013.
10. The Council has drawn my attention to another building within the farm, which was granted planning permission for a commercial gym¹. Within the supporting documentation for this application, reference is made to other buildings on the farm which have been converted to uses other than agriculture.
11. The buildings which are indicated to be used for purposes other than agriculture fall outside of the appeal site. The appeal site is not the same as the agricultural unit which is much more extensive in size. Even if I were to accept that uses other than agriculture, have or are taking place within other buildings within the farm, I am satisfied the appeal building falls within an established agricultural unit.
12. I have been referred to an appeal decision at Brickyard Farm, East Sussex. That decision found that the relevant unit in that case was in a mixed use, and therefore the Inspector for that appeal was unable to conclude that the appeal site was agricultural land comprised in an agricultural unit. I do not have the full details of what was before that Inspector, however, that appeal related to a different part of the GPDO for which different requirements applied. The scheme is not directly comparable, and as such does not alter my findings in respect of the appeal before me.
13. Consequently, the proposal would constitute permitted development, with regard to whether the site was used solely for an agricultural use as part of an established agricultural unit, in accordance with Class Q. 1 (a). It is therefore relevant to consider the proposal against the conditions set out under paragraph Q.2 (1).

¹ LPA Ref 162067

Design and external appearance

14. The existing building has a low profile and is of a functional scale and design. It is a typical rural agricultural building which is in keeping with the surrounding farm landscape.
15. The external changes, which include a large amount of glazing, together with the modest curtilage around the building, would result in a domesticated appearance to the relevant portion of the barn. The addition of these openings would erode the functional appearance of part of the building, in sharp contrast with that to be retained.
16. There is limited detail on the submitted plans, however, the appellants clarify that the materials would be altered from existing and would comprise timber cladding and a zinc roof. It is indicated that the materials across the whole building, rather than just the part subject of the conversion, would be altered to provide a coherent appearance. However, no materials are specified on the submitted plans, and planning conditions could only be imposed where these are reasonably related to the subject matter of the prior approval. External alterations to parts of the building other than that being converted, would not meet this requirement. As such, there is no mechanism before me to secure the alterations.
17. The use of different materials across the two parts of the building, would add to the contrast in appearance between the proposed residential and agricultural parts of the building. This would have a jarring effect and would erode the rural agricultural character and appearance of the building.
18. In conclusion, the design and external appearance of the building would be unacceptable. This would conflict with the requirements of the Framework which seek to achieve well-designed and beautiful places through developments that are visually attractive and sympathetic to local character.

Standard of accommodation for future occupiers

19. The proposed residential dwelling would provide four bedrooms and generous living space. The unit would adjoin the remaining part of the agricultural building.
20. The retained portion of the agricultural building, whilst currently vacant, could be brought back into agricultural use. The nature of the access to this part of the farm would limit the size of vehicles and machinery which could access the barn, however, given its previous use for poultry farming, there remains the possibility that similar activities could take place in the future. There would be no controls over the level of activity which might be generated. This has significant potential to cause noise and disturbance to future occupiers of the same dwelling.
21. The siting of the proposed dwelling would be at the far end of the existing agricultural building. This would necessitate sharing the same access, and passing directly by, the retained part of the agricultural building. Effects by way of noise and disturbance would therefore affect the external approach to the building as well as the interior. Similarly, the external amenity space for the proposed dwelling would sit in very close proximity to the agricultural element of the building.

22. I have been referred to government guidance which provides direction on disease prevention for livestock and poultry. The proximity of the dwelling to any agricultural activity within the remaining agricultural building, would have implications for disease management due to the close contact between future occupants, and any pets, with any livestock within the remainder of the building. This raises practical issues and the potential for adverse effects from odour and nuisance from insects.
23. The appellants have suggested a condition, to restrict the use of the remaining part of the building, to preclude intensive forms of farming. In this regard my attention has been drawn to an allowed appeal², where such a condition was imposed. No details of this appeal have been provided, as such I am unable to establish whether that appeal is comparable to the scheme before me. In any event, the suggested condition is not sufficiently precise as to the type of uses that would be precluded. Furthermore, whilst the GPDO allows for the use of conditions reasonably related to the subject matter of the prior approval, the condition before me would not meet this test.
24. The appellants have highlighted a prior approval given at Glasspool Farm, Reading as well as a 2015 appeal decision³ which were found acceptable in terms of the standard of accommodation, despite a close proximity to an agricultural use. In both these cases, insufficient detail has been provided to enable a detailed comparison of the schemes. As such, these have not been determinative.
25. Given the above, the location and siting of the development make it undesirable for the use of the building to change to a dwellinghouse, in terms of the standard of accommodation for future occupiers.

Conclusion

26. For the reasons given above, the appeal is dismissed.

R. Lawrence

INSPECTOR

² APP/H0928/W/15/3028105

³ APP/B2355/W/15/3004955