



Appeal Decision

Site visit made on 16 September 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2024

Appeal Ref: APP/J0405/W/24/3339826

Mount Pleasant Farm, Dunton Road, Stewkley, Buckinghamshire LU7 0LU

- 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 Robert Webb of Webb Brothers against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application Ref is 23/03744/COUAR.
 - The development proposed is described as determination as to whether prior approval is required in respect of transport, highway impact, noise, contamination risk, flooding for the conversion of an agricultural building into 3 dwelling houses Class Q (a) and in relation to design and external appearance of the building Class Q (b) at Mount Pleasant Farm, Dunton Road, Stewkley, Buckinghamshire LU7 0LU.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Robert Webb against Buckinghamshire Council - North Area (Aylesbury). This is the subject of a separate Decision.

Preliminary Matters

3. The appellant considered a hearing is necessary to resolve the Council's reason for refusal. The Council's concerns are not matters that are particularly complex and can be clearly understood from written submissions and a site visit. I have therefore determined the scheme without the need for a hearing to take place.
4. On 21 May 2024, Statutory Instrument 2024 No 579 came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the General Permitted Development Order (GPDO). Due to the transitional arrangements, I have proceeded to determine the appeal in accordance with the GPDO provisions that were in force at the time the original application was submitted in November 2023. All references to the GPDO in this decision therefore relate to the version that was in force at that time.
5. The appeal scheme has been submitted as a prior approval application under Schedule 2, Part 3, Class Q, for a change of use to dwellinghouses (Use Class C3). There is a dispute between the parties as the appellant states the proposed dwellinghouses are to be used as holiday lets, which the Council regards as Use Class C1. Within the context of an appeal under section 78 of the Act, it is not within my remit to formally determine whether the residential

units to be created would fall within Use Class C1. I have therefore proceeded on the basis on which the application has been submitted for C3 dwellinghouses.

Background and Main Issue

6. Class Q(a) of the GPDO permits development consisting of 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), and under Class Q(b), building operations reasonably necessary to convert the building for that purpose.
7. There is no dispute that the proposal would be permitted development taking into account the limitations in paragraph Q.1 of the GPDO. For permitted development under Class Q (a) and (b), paragraph Q.2(1) of the GPDO requires prior approval of certain matters. This includes at (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses).
8. Having regard to the above and the Council's reason for refusal of prior approval, the main issue in this appeal is whether the location or siting of the building makes it otherwise impractical or undesirable with particular regard to protected species.

Reasons

9. The PPG¹ states that 'impractical or undesirable' are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would 'not be sensible or realistic', and undesirable reflects that it would be 'harmful or objectionable'.
10. Paragraph W(10)(b) of Schedule 2, Part 3 of the GPDO requires that regard be had to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval as if considering a planning application. Paragraph 135 of the Framework, amongst other things, states that decisions should ensure that developments promote health and well-being with a high standard of amenity for existing and future users.
11. The appeal site comprises land and a single-storey, agricultural building with a staggered dual-pitched roof accessed from a narrow trackway. North of the appeal site beyond an existing barn is the farmhouse. To the south of the appeal building in close proximity, are a number of buildings that are of an agricultural appearance. I also observed a large number of shipping containers to the south and southeast of the appeal building.
12. The current lawful use of the appeal site and the surrounding land and buildings is for agriculture, and the appellant describes the farmyard as relatively small. The appellant further states the farm is a grassland farm, approximately 49 acres of land comprising 46 acres of permanent pasture and a 2.5-acre fishing lake. The farm also has land in other locations and totals approximately 172 acres.

¹ Paragraph: 109 Reference ID: 13-109-20150305

13. The evidence before me indicates that farming would continue in and around the farmyard in which the appeal site is located. While the appellant notes this would not be intensive, there is nothing to prevent the farmyard from being used for more intensive agricultural purposes in the future, given the size of the landholding associated with the farm. These activities could take place at any time of the day or night and for 7 days a week.
14. It has also been brought to my attention that there is an extant consent² on the wider site for prior approval under Class R of Part 3 of Schedule 2 of the GPDO. This consent allows for flexible commercial use of two of the agricultural buildings close to the appeal building. One for Use Class B8 (storage or distribution) and the other for Use Class B8 (Storage and Distribution) and Use Class E(g) (Office/Research & Development/Light Industry).
15. Either of the intensification of the farm or implementation of the extant flexible commercial uses could result in harmful or objectionable living conditions for occupiers of the proposed dwellings as a result of noise or the storage of machinery and equipment, together with associated comings and goings and vehicular activity, in close proximity to the proposed dwellings.
16. I have had regard to the Acoustic Assessment (AA) submitted, which was agreed upon with the Council's Environmental Health Officer. However, the AA did not take into consideration the potential future scenarios above. An addendum letter³ was provided as part of the appeal in terms of increased intensification of the farmyard.
17. It has been stated that future activities on the wider site will be controlled by the appellant, who owns the farm and does not want to live on-site with large-scale commercial uses. However, this may change in time and a future site owner may undertake a more intensive level of farming on the farmyard. Additionally, there is no substantive evidence to demonstrate the level of activity to occur should the extant flexible commercial use commence. Therefore, I cannot be sure harmful or objectionable living conditions for occupiers of the proposed dwellings would not occur even if the dwellings were occupied on a holiday-let basis.
18. For the above reasons, I conclude that the location and siting of the appeal building makes it impractical and undesirable for the proposed change of use to three dwellinghouses due to its effect on the living conditions of future occupiers. It therefore conflicts with paragraph Q.2(1)(e) of Part 3 of Schedule 2 of the GPDO.

Other Matters

19. It is not for this appeal to determine if the location of the appellant's dwellinghouse is impractical or undesirable, regardless of its proximity to the appeal site.
20. The Council's officer report identifies the appeal site is situated in the open countryside location beyond settlement limits. Nonetheless, it is reasonably close to Stewkley Village, services and utilities, and the nearby farmhouse. Therefore, the principle of converting the building to three dwellings is not

² Application ref: 22/00926/COUAF

³ Letter prepared by MEC Consulting Group, dated February 2024

considered undesirable in terms of its countryside location. I find no reason to disagree.

21. The appellant is seeking to diversify a rural business with short-term holiday accommodation, which is supported by the Framework. The appellant also states there is support within the local plan and notes a lack of objections to the scheme. Nonetheless, these matters do not overcome the need to ensure the location and siting of the building is not impractical or undesirable for the change from agricultural use to dwellinghouses.

Conclusion

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

A Hickey

INSPECTOR