



Appeal Decision

Site visit made on 21 November 2024

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/R0660/W/24/3346130

Ivy Farm, Bickerton Road, Egerton, SY14 8AN

- 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 M Benson against the decision of Cheshire East Council.
 - The application Ref is 23/4123N.
 - The development proposed is conversion of 1 no. agricultural barn to 2 no. residential dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Class Q of Part 3 of the General Permitted Development Order (GPDO) allows for the conversion of agricultural buildings to residential use, subject to specific limitations and conditions. There is no dispute that the appeal proposal meets the requirements of paragraph Q.1 of the GPDO, and I have no reason to take a different view. The proposal therefore constitutes permitted development under Class Q, subject to the prior approval of certain matters. These matters are listed in paragraph Q.2.(1) and include criterion (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).
3. There is no suggestion that the proposed conversion to residential use would be impractical, but there is disagreement as to whether it would be desirable to change to a residential use.

Main Issue

4. The main issue is therefore whether the location or siting of the building makes it undesirable to change from agricultural use to a use falling within Class C3 (dwellinghouses), having particular regard to disturbance from noise and odour.

Reasons

5. The appeal site forms part of a tightly knit cluster of agricultural buildings on a working farm. The building proposed to be converted is a sandstone barn with a pitched slate roof, which is no longer being used as part of the farming operation.

6. The appeal building is at the front of the site, set back from Bickerton Road behind an area of hardstanding. Immediately to the rear are a series of large, steel framed barns, with high roofs formed of corrugated sheeting. The modern barns are partly open sided, with the appeal building effectively providing a front wall. The extensive barn roofs cover a large area, the interior of which is predominately open, with timber and corrugated metal partitions partially subdividing the space. The north-western section of the barns provides a covered route for agricultural vehicles, between an access on Bickerton Road and the farmland beyond.
7. The proposed conversion of the sandstone barn to form two dwellings would involve some minor alterations to the exterior of the building, including additional openings inserted at either end. Space at the front and sides of the building would be used for parking and outdoor amenity space for the new houses. This outdoor area would be enlarged and enhanced through the removal of two existing metal sheds. An existing residential access onto Bickerton Road, in front of the sandstone barn, would be shared by the proposed houses and adjacent farmhouse.
8. The proposed houses would have no rear facing windows (other than rooflights), so there would be a solid wall separating the domestic use from the barns behind. Even so, there would be a very close relationship between the new houses and their gardens, and the adjacent steel framed barns.
9. Boundary treatments around the proposed private gardens have not been specified, but some form of wall or fencing would be required to separate the domestic use from the surrounding farm uses. However this was achieved, the steel frame and high corrugated roof of the barns would be an imposing and highly dominating feature for future occupiers, when using their gardens.
10. The large barns are used for storing agricultural equipment and machinery, with various vehicles including tractors and a digger inside at the time of my visit. The area closest to the appeal building contained a large trailer, and part of the space was being used to store hay bales.
11. When I visited, agricultural vehicles were being moved around inside the barns, and livestock were present. This activity was taking place in areas furthest away from the appeal building, whereas the adjacent section of barn was in less intensive use. Even so, the internal space within the large barns is partially open. The lack of physical separation means that agricultural operations taking place, even in the rear part of the space, could impact on the living conditions of future residents in their homes or when using their gardens. This could be through odour associated with livestock, noise from general activity or vehicles moving. Such impacts could occur at any time of the day or night.
12. In response to the Council's concerns about living conditions for future occupiers of the proposed dwellings, and as part of plans to diversify the farm, the appellant has obtained planning permission to use the section of barn closest to the appeal building for the storage of leisure vehicles. This would provide a buffer between the proposed dwellings and the agricultural operations at the site. However, the barns would still be internally open, with no physical barrier between the agricultural use in the rear section of the barn and the proposed dwellings. As such, even with the vehicle storage use, agricultural activity within the barns could impact on future residents of the houses.

13. Furthermore, there were no leisure vehicles being stored at the time of my visit, and no information has been provided about the anticipated level of demand for such a use in this location. As such, there is uncertainty about how much space would be required. If the whole area was not needed for leisure vehicle storage, or if demand for that use varies through the year, there would be nothing to stop the barn being used for agricultural use, albeit that may be of a low intensity.
14. I note comments that the proposal forms part of the farm's wider diversification strategy and a move to less intensive farming. However, changes to the farm operation in the longer-term may require the space adjacent to the appeal building to be used again for more intensive agriculture, and there would be nothing to stop that from happening.
15. According to the appellant, the silage clamp, located at the rear of the main barns, has not been used for some time, and there is no plan to reinstate it. I have no reason to doubt that, and note that the area has permission for use for open storage of leisure vehicles. That use had not yet commenced when I visited, but even if the silage clamp was reinstated in future, there is a reasonable distance between it and the appeal building, with the intervening barns providing a buffer which would help to mitigate impacts from odours.
16. The existence of the permitted development right under Class Q brings with it an acceptance that people would be living in buildings on existing farms. As such, some degree of impact from agricultural operations at the site is to be expected. However, in this case, and despite my findings in relation to the former silage clamp, the very close proximity of the proposed houses and their garden areas to the large barns means that there is the potential for disturbance impacts from nearby agricultural operations, through noise and odour.
17. To protect the amenity of future residents, the appellant has suggested that a legal agreement could be used to restrict the use of the adjacent barn. Reference has been made to an appeal at Dale Farm, Cranworth, in which a unilateral agreement was considered an acceptable way to achieve this (ref APP/F2605/W/15/3131104). However, in the Cranworth case, the Inspector noted that the agricultural buildings to be restricted were in very poor structural condition and appear little used. That is not the case here, where the adjacent barn is suitable for modern agriculture, forms part of a larger series of barns, and is in active (albeit low intensity) use. Given that, restricting its use is not justified here. In any case, no unilateral undertaking has been provided, so that course of action is not open to me.
18. I agree that consistency in decision making is important, but each Class Q case is different, as demonstrated by the appeal decisions provided by both parties, which resulted in different outcomes. I note the Inspector's findings in relation to disturbance in the case referred to by the appellant at Sutton Farm, Claverley (appeal ref APP/L3245/W/21/3269754). However very little information has been provided about the details of that case, so I cannot comment any further.
19. Similarly, a level of impacts associated with agricultural buildings were accepted by the Inspector in an appeal for a Class Q conversion at Ardley House farm, Great Waldingfield (appeal ref APP/D3505/W/20/3254460). However, from the information provided about that case, the relationship

between the agricultural buildings and those to be converted is unclear, making it difficult to draw parallels with the current appeal.

20. I have determined the appeal on the specifics of the case, and found that owing to the very close proximity to the existing agricultural buildings, the proposal would not provide satisfactory living conditions for future occupiers, with particular regard to noise and odour. This would be the case even if the consented use for leisure vehicle storage was implemented. In addition, the high barn roofs in very close proximity would also be overbearing for occupiers when using their gardens. As a result of these factors, conversion of the building to residential use would be undesirable.

Conclusion

21. For the reasons set out above, I conclude that the location and siting of the building makes it undesirable to change from agricultural use to a use falling within Class C3 (dwellinghouses), having particular regard to disturbance from noise and odour. The proposal does not meet the requirements of Class Q paragraph 2.(1) (e) of the GPDO, so the appeal is therefore dismissed.

R Morgan

INSPECTOR