



Appeal Decision

Site visit made on 4 February 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th March 2025

Appeal Ref: APP/E2530/W/24/3351456

Land on Morkery Lane, Castle Bytham, Grantham NG33 4SW

- 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 Anthony Eudall against the decision of South Kesteven District Council.
 - The application Ref is S24/0853.
 - The development proposed is described as ‘this prior notification relates solely to ‘development consisting of a change of use’ of an agricultural building (GIA 110m²) to a single dwellinghouse under the rules of Class Q(a) only as allowed by the GPDO, any matters not encompassed within the requirements of Class Q(a) shall therefore be subject to a subsequent application.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 21 May 2024, Statutory Instrument 2024 No. 579 (SI No. 579) came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). In line with transitional arrangements, I have proceeded to determine the appeal in accordance with the GPDO provisions that were in force at the time that the application was made on 20 May 2024. All references to the GPDO in this decision therefore relate to the version that was in force at that time. The Council’s report and appeal statement incorrectly applies SI No. 579 to the appeal proposal. Even so, I have had regard to the contents of these documents insofar as they are relevant to the GPDO and the matters in dispute.
3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by this.

Background and Main Issue

4. Schedule 2, Part 3, Class Q of the GPDO permits (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 Order¹; and (b) building operations reasonably necessary to convert the building. This is subject to various limitations and conditions as set out in paragraphs Q.1 and Q.2 of that Class.

¹ *Town and Country Planning (Use Classes) Order 1987 (as amended).*

5. It is clear from the appellant's application form and evidence that the application was made under Class Q.(a). The appellant indicates that they intend to address matters under Class Q.(b) through a separate application. The GPDO is clear that this class of permitted development can consist of either Class Q.(a) or Class Q.(b) independently.
6. It is common ground between the main parties that the appeal scheme meets the requirements of paragraph Q.1 of Class Q of the GPDO such that it would constitute development permitted.
7. However, Paragraph Q.2(2) of the GPDO makes clear that, where proposed under Class Q(a) only, development is permitted subject to the condition that the prior approval of the Local Planning Authority will be required for items referred to under Q.2(1)(a) to (e) and (g), and that the provisions of paragraph W apply in relation to that application.
8. The relevant conditions under Q.2(1) include (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) of UCO; and (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses. The Council refused the application on the basis that the proposed development would not satisfy these prior approval matters.
9. Consequently, the main issue is whether the proposed development would satisfy the prior approval matters at paragraph Q.2(1)(e) and (g) of Schedule 2, Part 3, Class Q of the GDPO including:
 - whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change use to a dwellinghouses; and
 - the provision of adequate light in all habitable rooms of the dwellinghouse.

Reasons

Location or siting

10. The appeal building is located towards the edge of a field that rises northwards away from Morkery Lane towards Angels Wells Farm. A mature hedgerow defines the boundary of the wider field and separates the appeal site from the road.
11. The Council granted planning permission in 2014 for an anaerobic digester plant² (the plant) at Angels Wells Farm. Conditions attached to that permission allow for the handling of up to 34,000 tonnes of feedstock materials per annum and up to 18 heavy commercial vehicle (HGV) movements (nine in and nine out) per day, between 07:00 and 18:00 hours Monday to Saturday.
12. The permission for the plant appears to provide a degree of flexibility as to the final position of the site access. Nonetheless, the plans before me show that it would be directly aside the proposed development. Whilst that access has not yet been constructed and the appellant suggests that it may not for viability reasons, there is no dispute that this permission remains extant. In the absence of any substantive

² Council Ref: S14/0075 and Lincolnshire County Council (LCC) S19/0075/14 For the demolition of one poultry unit and construction of an anaerobic digestion plant comprising of a waste reception hall, three digester tanks and a digestate storage tank, three digestate storage lagoons and a number of ancillary buildings along with new access road (permission 30.07.2014)

- evidence that an alternative access arrangement would not be used, the effects of that development including the shown access layout, are material to my decision.
13. The Planning Practice Guidance (PPG)³ 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'.
 14. Paragraph W(10)(b) of Schedule 2, Part 3 of the GPDO requires that regard be had to 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 development creates places with a high standard of amenity for existing and future users. Paragraph 198 of the Framework also requires decisions to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions. In doing so they should avoid noise giving rise to significant adverse impacts on health and the quality of life.
 15. A S106 agreement is attached to the plant permission to prevent traffic from passing through Castle Bytham village, meaning that traffic generated by the plant would turn west onto the highway and away from the appeal site. The Noise Impact Assessment (NIA) for the plant took into account the effects of that development upon the nearest residential properties, located on Morkery Lane to the west which are located further away from the appeal site. Whilst the HGV route associated with that use would pass near to these residential properties, the effects on the proposed development have the potential to be more significant as the appeal site would be immediately adjacent both the access point and access road to the plant site. Likewise, Angel Wells Farm House would have a materially different relationship, further away from the plant access. As such, the results of the NIA are of limited assistance when assessing the appeal proposal.
 16. I acknowledge that there is existing traffic noise along Morkery Lane. I have also taken into account the Transport Assessment which refers to a low percentage increase in the number of traffic movements expected. Even if the free flow of vehicles would not be obstructed through the presence of any gates adjacent to the appeal building, drivers would likely routinely have to wait to turn onto Morkery Lane. They would do so in intimate proximity to the proposed dwelling.
 17. Overall, the limited separation gap alongside the nature and frequency of the proposed vehicle movements associated with the plant has the potential to result in undesirable levels of noise for future occupiers of the appeal proposal to an extent that would be both harmful and objectionable. The acoustic character of the relationship could materially affect the way the dwelling would be occupied. Residents may have their sleeping patterns dictated by early morning traffic movements, may opt to close windows permanently or at certain times, and may seek to avoid the use of certain areas, such as any outside space, entirely.
 18. There is no contrary evidence, for example in the form of a noise survey specific to the appeal proposal, before me to dispute this. It has not therefore been demonstrated that a significant observed effect as defined in PPG⁴ would not result

³ Paragraph: 109 Reference ID: 13-109-20150305

⁴ Paragraph: 005 Reference ID: 30-005-20190722

in this particular instance. Furthermore, in the absence of an appropriately defined context, there is insufficient certainty that any potential harmful noise effects could be appropriately mitigated, even if this could be secured outside the scope of this prior approval application.

19. For the above reasons, the proposed development would not comply with the prior approval matter at paragraph Q.2(1)(g) of Schedule 2, Part 3, Class Q of the GPDO as the location or siting of the building makes it impractical and undesirable for the building to change use to a dwellinghouse.

Natural light

20. Paragraph W.(2)(bc) of the GPDO states that schemes under Class Q should be accompanied by a floor plan indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses. Whilst a plan marked “EXAMPLE” (Drawing No MLQ001) was submitted, the appellant has confirmed that this does not form part of the appeal proposal.
21. As this is an application under Class Q(a) only, no building or other operations are proposed. There are a number of openings in the existing barn building which suggests that adequate light in all habitable rooms could be provided. The appellant also suggests that the planning history on the site⁵ demonstrates how the provision of adequate natural light can be achieved and how the building was previously approved for conversion.
22. On this basis of the evidence before me, the proposed development would not conflict with the prior approval matter at paragraph Q.2(1)(g) of Schedule 2, Part 3, Class Q of the GPDO with regard to the provision of adequate light in all habitable rooms of the dwellinghouse.

Other Matters

23. Matters relating to odour, visual impacts and the location of nearest amenities and services are not matters in dispute. Furthermore, it is noted that recent clearance works have been undertaken and I recognise the appellant’s intention to maximise value, with a number of options considered. However, these factors are not relevant to the appeal proposal submitted under Class Q of the GPDO.

Conclusion

24. Given that the location the appeal building makes it undesirable for residential use, the appeal proposal would not be permitted development. For the reasons given above, I conclude that the appeal should be dismissed.

H Marriott

INSPECTOR

⁵ Council Refs: S21/1768 Associated operation works (following the Prior Approval under Class R of the GPDO: change of use of an agricultural building to a flexible commercial use - Class E – under permitted development rights) – permission 27.10.2021; S21/1703 Change of Use of Agricultural Building to Flexible Business Use – permission 27.10.2021; and S23/1442 Remove an existing timber framed building with an established principle of use and associated operation development (Class E) and replace with a more sustainable timber framed modular building and assign a Class E Change of Use – permission 15.01.2024