



Appeal Decision

Site visit made on 24 February 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

Appeal Ref: APP/D1265/W/24/3352961

Cutty Stubbs Farm, Bluntshay Lane, Whitchurch Canonorum, Dorset DT6 6RL

- 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 R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Richard & Laura Puzey & Audley against the decision of Dorset Council.
 - The application Ref is P/PAAF/2024/03172.
 - The development proposed is the change of use of four agricultural buildings to a flexible commercial use (Class C1).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposed development provided on the application form states, 'Please see the compliance statement'. I have therefore used the description provided within the appellant's compliance statement in the banner heading above, removing 'pursuant to Schedule 2, Part 3, Class R permitted development rights' which is not an act of development.
3. The principle of development is established by the General Permitted Development (England) Order 2015 (as amended) (GPDO), and the relevant provisions do not require regard be had to the development plan. I have only had regard to the referenced development plan insofar as they are material considerations relevant to the matters before me.
4. Development permitted under Class R is subject to the condition set out in paragraph R.3(1)(b) that before changing the use, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required regarding several considerations. This includes (i) transport and highway impacts of the development; and (ii) noise impacts of the development, amongst others.

Main Issues

5. The main issues are:
 - whether the proposed use falls within the permitted development rights under Schedule 2, Part 3, Class R of the GPDO; and
 - if so, whether the prior approval details relating to transport and highway impacts, and noise impacts, would be acceptable.

Reasons

Whether permitted development under paragraph R.1

6. Agriculture is defined in Section 336, of the Town and Country Planning Act 1990 (as amended) and includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purposes of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of woodlands where that use is ancillary to the farming of land for other agricultural purpose.
7. Schedule 2, Part 3, Paragraph X of the GPDO further sets out that for the purposes of Part 3 permitted development rights, 'agricultural building' means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business. 'Established agricultural unit' means agricultural land occupied as a unit for the purposes of agriculture.
8. Development is not permitted by Class R if the building was not used solely for an agricultural use as part of an established agricultural unit (i) on 3 July 2012; (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or (iii) in the case of a building which was brought into use after 3 July 2012, for a period of at least 10 years before the date development under Class R begins.
9. At my site visit I observed livestock including pigs and cows, as well as agricultural machinery and eggs for sale, and have been provided with a County Parish Holding number issued by the Rural Payment Agency. Whilst this is not conclusive evidence of an agricultural trade or business, further documentary evidence has been provided dating back to 2022, including invoices relating to livestock and agricultural related equipment.
10. However, interested parties provide a timeline which indicates that the buildings were not in use on the 3 July 2012. Nevertheless, the evidence before me also suggests that the buildings were in an agricultural use prior to this date, and even if the appellants have only recently re-commenced utilising the buildings for agriculture, I have no evidence that indicates the buildings have been in any other intervening use since 3 July 2012.
11. As such, based on the substantive evidence before me, I consider the appeal buildings do comprise agricultural buildings that can benefit from permitted development rights under Schedule 2, Part 3, Class R of the GPDO.

Prior approval details – transport and highway impacts

12. The Transport Statement¹ utilises a baseline of an agricultural farm with a 50-pitch campsite, concluding this baseline would generate at least 50 vehicular movements (including larger agricultural vehicles) when the campsite is at peak capacity.
13. Further 'TRICS' database figures have also been provided in relation to farm, hotel, and camping uses. With regard hotel use, these figures indicate a total of 6 movements per 100m² of floorspace. However, no details of proposed bedspaces

¹ PCL Planning June 2024

are provided, and given the total floorspace of the buildings to be converted, the evidence does not provide certainty that the resultant movements (when discounting movements associated with camping which I address below), would not exceed the stated daily existing farm use movements.

14. Whilst the appeal site is less than 2 miles from the A35 trunk road, it is approached via an often narrow and twisty country lane which also serves a number of farms and dwellings. I observed the road to be relatively well used, with restricted forward visibility and lack of passing areas in places resulting in cars having to reverse on the highway. Given the nature of this highway, additional movements, particularly those related to future guests of the hotel who may not be aware of the character of the highway network, are likely to result in additional harm to highway safety.
15. However, a 'fallback' position has been put forward in relation to utilisation of Class BC, Part 4 of the GPDO permitted development rights to operate a 50-pitch campsite over 60 days. When the movements of such a use are factored in, total trip movements exceed that of the proposal.
16. I have not been presented with any evidence as to why the fallback position could not be implemented, and given the evidence before me, consider that there is a greater than theoretical possibility that a camping use might take place in the future. However, any potential camping use at the farmstead would be limited to 60 days, and whilst movements may be higher when in use, a hotel use could be operated all year around, with a greater number of movements on the highway when compared to an agricultural use for the majority of the year.
17. Furthermore, given the location of the appeal site, I have no evidence that a camping use would be occupied at full capacity for the full 60 days, and therefore there is doubt as to the actual number of movements attributed to this use over this period. As such, I am unconvinced by the evidence before me that a mix of agricultural and camping use would be more harmful to highway safety than the proposal, over a year.
18. Consequently, even if the transport impacts of site construction could be dealt with by the imposition of a planning condition, and the existing site access is sufficient, I nevertheless conclude that the prior approval details relating to the transport and highway impacts resulting from the proposed use of the buildings would not be acceptable. The proposal would conflict with Policy COM7 of the adopted West Dorset and Weymouth & Portland Local Plan 2015 (LP), which seeks to ensure a safe and efficient transport network.
19. Whilst LP Policy COM9 is referred to within the decision notice, this policy relates to parking standards and given the areas surrounding the appeal buildings I see no reason why sufficient car parking could not be provided.

Prior approval details – noise impacts

20. Whilst existing agricultural operations at the appeal site are small scale, an acoustic technical note² (TN) outlines a baseline position in that intensive agriculture, as well as temporary camping uses could take place, with associated additional noise impacts over that existing. Whilst not going so far as providing a

² Inacoustic ref:24-231

detailed noise survey, the TN concludes that the noise risk profile of the proposed use is considered to be much lower than the baseline.

21. Notwithstanding, the proposal would result in differing potential sources of noise not common in an agricultural environment including kitchen and air extraction, building services noise and guest activity.
22. However, the GPDO allows the grant of prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. Therefore, planning conditions could be imposed that would require additional information, including noise assessments of any plant, extraction or other building services equipment. Given the separation distance and spatial relationship between Blackmore Farm and the appeal buildings, I see no reason why such conditions would not successfully prevent significant noise disturbance to neighbouring occupiers.
23. With regard guest activity, a further condition could be imposed requiring a management plan is submitted to and approved by the Council. This condition would ensure that any disturbance relating to the operational aspects of the proposal is minimised.
24. Accordingly, I conclude that, subject to conditions, the prior approval details relating to the noise impacts resulting from the proposed use of the buildings are acceptable. Therefore, the proposal accords with LP Policy ENV16 which, amongst other things, seeks to ensure development does not generate a level of activity or noise that will detract significantly from the quiet enjoyment of residential properties.

Other Matters

25. Whilst I do not have full details of other permissions³ that have been brought to my attention, they appear to differ from the proposal before me in a number of ways. Although they relate to the change of use to holiday lets, the other proposals were planning applications as opposed to applications for prior approval. Furthermore, whilst those permissions may not have been accompanied by transport or noise reports or attracted any objection on those matters, they related to differing sites and therefore have differing highway and noise implications.

Conclusion

26. For the reasons given above, whilst the proposed use comprises development permitted under Schedule 2, Part 3, Class R of the GPDO, and the prior approval details relating to noise impacts are acceptable, details relating to transport and highways would not be acceptable. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR

³ P/FUL/2021/01642, P/FUL/2022/04624