



Appeal Decision

Site visit made on 6 March 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal Ref: APP/D0121/W/24/3356986

Hidden Valley Farm, Littleton Lane, Winford BS40 8HF

- 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 John Pearce against the decision of North Somerset Council.
 - The application Ref is 24/P/1708/CQA.
 - The development proposed is the conversion of an agricultural barn into 1no. dwelling (Use Class C3) with operational development including the installation of windows, door, exterior walls and replacement of the roofing material.
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Decision

1. The appeal is allowed and prior approval granted under the provisions of Article 3(1) and Schedule 2, Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for Prior approval for the conversion of an agricultural barn into 1no. dwelling (Use Class C3) with operational development including the installation of windows, door, exterior walls and replacement of the roofing material at Hidden Valley Farm, Littleton Lane, Winford BS40 8HF in accordance with the application ref 24/P/1708/CQA and the details submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr John Pearce against North Somerset Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I have removed wording that does not describe an act of development from the description above
4. The Government published in December 2024 a revised version of the National Planning Policy Framework (the Framework). The Council and the appellant have had opportunity to comment on this and I have taken into consideration any comment made.

Background and main issues

5. Schedule 2, Part 3, Class Q of the of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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) of the Schedule of the Use Classes Order 1987 (as amended),

and the building operations reasonably necessary to convert the building subject to certain limitations and conditions.

6. Since the determination of the application, a separate application¹ to remove a condition restricting the use of the building to agricultural use only has been granted by the Council. As such, the first reason for refusal, which related to this issue, is no longer being contested by the Council.
7. Where development is proposed under Class Q(a) together with Class Q(c), and found to be permitted development, it is subject to the condition under paragraph Q.2(1) of Part 3 of Schedule 2 of the GPDO that before beginning the development, an application must be made to the LPA for a determination as to whether the prior approval will be required as to certain matters, as set out under paragraph Q.2(1).
8. The remaining main issues are whether prior approval would be required in accordance with the conditions set out in Paragraph Q.2 (1) of the GPDO, with specific regards to:
 - (c) contamination risks on the site; and
 - (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 Schedule 1 to the Use Classes Order.

Reasons

Contamination

9. I observed that the appeal barn is used for the keeping of livestock and is generally open and accessible. Planning permission² for the building was originally approved in 2011 for the *'Erection of an agricultural barn for the housing of livestock and safe storage of machinery and fodder'*.
10. The Council does not contest the appellants statement that the barn was and is not used for hazardous material storage such as pesticides or fertilizer, with no heavy machinery operations. In any case, conditions on the original approval (Nos 8, 9 and 10) required full details of impervious bases/bunds for any such storage to be submitted to and approved by the local planning authority. This would ensure that such storage would be entirely safe and secured. There is no compelling evidence before me therefore to conclude that there is an unusual or unacceptable risk of contamination on the site, or that the site would not be suitable for its proposed use.
11. Nevertheless, given the nature of a conversion from an agricultural building, there is naturally a limited risk of contamination from animal waste etc. A condition in respect of the investigation and remediation of any ground contamination is therefore necessary in the interest of the health and safety of future residents. This condition would be sufficiently precise to meet the requirements of the Framework. Should potential remedial works be required that would effect the existing building fabric in relation to the conversion requirements of Class Q, this would be a matter for the Council to assess.

¹ Reference 11/P/0700/F

² Application reference 11/P/0700/F.

Noise and disturbance

12. There is no specific guidance on what constitutes 'impractical or undesirable' for the purposes of criterion (e) of Q.2 (1), but the Planning Practice Guidance (PPG) provides some information about considerations which may be relevant.
13. The PPG sets out that 'impractical' reflects that the location and siting would "not be sensible or realistic", and 'undesirable' reflects that it would be "harmful or objectionable". The appeal building is located in a rural area, surrounded by fields but with a short access to the highway.
14. There are no other barns in close proximity nor any other obvious noise generating buildings. Whilst the adjacent fields could be used for grazing livestock, this would not be unusual in this surrounding rural context, with dispersed dwellings surrounded by open agricultural land. Some noise from agricultural or equestrian activities is therefore reasonably expected, either from livestock in adjacent fields or from the movements of agricultural vehicles. Any noise in the early hours would not be unusual nor incongruous. The site is not therefore located in a particularly sensitive location in this respect, given the nature of a class Q conversion from agricultural buildings.
15. Occupiers of the proposed dwelling would not therefore be subject to an unusual nor unacceptable potential for noise conflict or general disturbance. The siting of the dwelling would not be impractical nor undesirable in this respect. A condition to secure noise insulation over and above building regulations is not therefore justified or necessary.
16. The Council has also referred to part (b) of paragraph Q.2(1) in its delegated report. However, this relates to the noise impacts of the development itself. In light of the residential nature of the proposal and location a considerable distance from other dwellings in the countryside, the proposal would not in itself result in any harmful noise impacts. I do not therefore consider part (b) to be determinative in this instance.

Other Matters

17. The appeal site falls within consultation Zone Band C for the North Somerset and Mendip Bat Special Area of Conservation (SAC).
18. Article 3(1) states that development is granted by schedule 2 of the GPDO 'subject to' regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017. Permitted development cannot be lawfully begun until the developer has made an application to the local planning authority (LPA) under regulation 77 of the HR and received written notification from the LPA that the development would have no adverse effect on the integrity of the European site. As the regulation 77 application can be submitted and assessed after the grant of prior approval, I do not need to consider this matter further as part of this appeal.

Conclusion and conditions

19. For the reasons given above, I conclude the appeal should be allowed and prior approval is granted.
20. Any prior approval granted under Schedule 2, Part 3, Class Q of the GPDO is subject to the condition under Q.2 (4) which specifies that the development shall

be completed within a period of 3 years, as well as the provisions of paragraph W, including paragraph W (12) which requires development to be carried out in accordance with the details submitted. Further conditions in this regard are therefore unnecessary.

21. The GPDO allows conditions to be imposed on the grant of any prior approval subject to the conditions being reasonably related to the subject matter. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity.
22. As set out above, a condition relating to contamination is necessary in the interest of the health and safety of residents. This is required to be pre-commencement as it relates to and affects the early part of the development.
23. For the reasons set out above, a condition relating to noise levels is not necessary.
24. Conditions ensuring that the development is carried out in accordance with the submitted preliminary roost assessment, and securing details of appropriate external lighting, are necessary in the interest of ecology, and relate to the location or siting of the building.

B Phillips

INSPECTOR

Schedule of conditions

1. No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until: i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority; ii. the site has been remediated in accordance with the approved measures and timescale; and iii. a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until: i. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and ii. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.

2. No external lighting shall be installed on the buildings unless details, including:

(i) details of the type and location of the proposed lighting;

(ii) existing lux levels affecting the site;

(iii) the proposed lux levels; and

(iv) lighting contour plans,

have first been submitted to and approved in writing by the local planning authority. Any external lighting shall be installed and operated in accordance with the approved details.

3. The development must be carried out in accordance with the recommendations, mitigation and enhancement measures set out in the Report by Fenswood Ecology dated July 2024.

End of Schedule