



Appeal Decision

Site visit made on 9 April 2025

by **A Wright BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th April 2025

Appeal Ref: APP/Z1510/W/24/3354393

The Barn at Dengie Farm, Maldon Road, Witham, Essex, CM8 3HY

- 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 GPDO).
 - The appeal is made by Mr Alan Willett against the decision of Braintree District Council.
 - The application Ref is 24/01294/COUPA.
 - The development proposed is described as 'conversion of an existing barn into a two bedroom dwelling'.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Schedule 2, Part 3, Class Q of the GPDO permits the change of use of an agricultural building to a dwellinghouse, together with the building operations reasonably necessary to convert it. This is subject to limitations and conditions set out in paragraphs Q1 and Q2, which include matters in respect of which the developer must apply to the local planning authority for prior approval.
3. Having regard to the requirements of paragraph Q2(1)(e), the main issue in this appeal is whether the location or siting of the building makes it otherwise impractical or undesirable to change from agricultural use to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order (UCO).

Reasons

4. The appeal site comprises part of a barn within a complex of structures which includes other storage buildings and a house. It lies close to the A12, a busy dual carriageway. The proposal is to convert the barn to a dwelling,
5. The Air Quality Assessment includes the results of dispersion modelling which assesses the exposure of future occupants of the site to pollutants arising from the A12 and the approved A12 road widening scheme once operational. This was subsequently updated to take account of meteorological, topographical and other factors. It found that concentrations of nitrogen dioxide and particulates are expected to be below the applicable air quality objectives in 2025 and 2027. Although concentrations of particulates may fall in future, from the information before me, I cannot be satisfied that occupiers of the proposed house would not be exposed to PM_{2.5} emission levels above the government's future targets.

6. The appellant states that the Council has approved other developments in areas which would not meet the government's 2040 target for PM_{2.5}, but limited information has been provided to be able to compare them to the proposal.
7. An Acoustic Assessment was carried out for a previous scheme on the site. This included the BS8233 (2014) suggested internal ambient noise levels for different rooms in dwellings during the day-time and night-time. BS8233 states that if relying on closed windows to meet the guide values, there needs to be appropriate alternative ventilation that does not compromise the façade insulation or the resulting noise level. The Acoustic Assessment found that the south elevation could rely on open windows whereas the east, west and north facades would require glazing and ventilators to achieve suitable internal sound levels and ventilation. It provided some specifications for these. It also recommended an assessment to consider potential impacts for overheating.
8. The submitted plans do not include specifications for the glazing nor any details of the location and type of ventilators. To mitigate road traffic noise, east, north and west facing windows, rooflights and doors would need to be kept closed. As bedroom 1 would only have an east facing window which would need to remain closed, it is unclear how satisfactory ventilation to this room would be achieved.
9. The large south facing patio doors to the living/dining room and rooflights to bedroom 2 could be opened without causing harmful noise intrusion to future occupants. However, as all other windows and doors would need to be kept closed and given the orientation and size of the proposed glazing, without an overheating assessment I cannot be satisfied that future occupiers would not be exposed to excessively hot temperatures during the summer months when using these rooms.
10. The appellant suggests that conditions could secure a thermal dynamic model and details of the mechanical ventilation system prior to the commencement of the development. However, under Class Q of the GPDO, development is permitted subject to the conditions in paragraph Q2. Based on the information before me, I am not satisfied that the proposal would meet the condition in paragraph Q2(1)(e).
11. Consequently, I conclude that the location or siting of the building makes it otherwise impractical or undesirable to change from agricultural use to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the UCO. As such, the proposal would fail to satisfy the condition at paragraph Q2(1)(e) of the GPDO.

Other Matters

12. There is reference to several other matters, including the accessibility of the site, flood risk, highways, heritage and landscape assets, contamination, and utilities supply. However, I am required to determine the appeal based on whether the location or siting of the building makes it otherwise impractical or undesirable for conversion to a dwellinghouse as required under the GPDO.

Conclusion

13. For the reasons given above, the appeal should be dismissed.

A Wright

INSPECTOR