



Appeal Decision

Site visit made on 23 April 2025

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 May 2025

Appeal Ref: APP/J2210/W/24/3356062

Le Raccard, Faulkners Lane, Harbledown, Kent CT2 9DN

- 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 2, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by William Chesson against the decision of Canterbury City Council.
 - The application Ref is CA/23/01185.
 - The development proposed is described on the application form as *"The agricultural building sits within a plot of 5 hectares access via a driveway leading from Faulkners Lane. The proposal seeks to convert part of this agricultural building into 1 larger dwellinghouse at the eastern end of the building. The location of this dwelling will face the grounds of the site which is mainly a grassed area. The proposal sits within the existing envelope of the building and there is no additional buildings being added. The external wall to the east will be partially glazed to allow natural light into the living space. Each bedroom will have a window to allow background ventilation and natural daylight to comply with national standards. The total area of the proposed dwelling is 104 m/sq and each room complies in area with the NPPF."*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Class Q of the General Permitted Development Order (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 dwellinghouse, and building operations reasonably necessary to convert the building for that purpose. It is common ground that the appeal scheme meets the requirements of GPDO paragraph Q1 such that it would constitute development permitted under Class Q, subject to the prior approval of certain matters.
3. Such matters include, as condition Q2(1)(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.

Main Issue

4. Having regard to the above, the main issue in this appeal is whether the location and siting of the building make it impractical or undesirable for the building to change to a dwellinghouse, in terms of whether the proposal would provide suitable living conditions for future occupiers with particular regard to noise, disturbance, odour.

Reasons

5. The proposal relates to a modern agricultural building, with a pitched roof, corrugated cladding and a portal frame structure. The building is surrounded by land comprising an orchard and mown grassland.
6. Whilst the proposal seeks partial conversion of the building to a dwelling, most of the building's volume would be retained for agriculture. Therefore, following conversion, the building would contain both residential and agricultural uses. In addition, the lawful agricultural use of surrounding land would persist. Consequently, the proposed dwelling would have a close relationship to agricultural uses within the adjoining barn and surrounding land.
7. The Planning Officer's report describes the building as providing crop storage. At time of my site visit, the building was used for storage of tools, equipment, and vehicles. The agricultural use of the building and associated land appears to be of generally low intensity at present. For example, grass cutting on the site is performed by an electric mower rather than agricultural machinery.
8. The agricultural land surrounding the building is enclosed by roads and a bridleway. It is my understanding the land is distinct from agricultural land within the wider area, separated by landscape features. Relative to typical farms in the area, the appellant's agricultural holding is small.
9. The appellant draws comparison with buildings at a neighbouring farm to explain that the retained barn would not be of sufficient size to store large farm vehicles or accommodate intensive livestock use. In addition, the appellant suggests constraints within the highway network would limit access by larger vehicles and machinery. Therefore, it is not likely the site would support large-scale production of crops and animals of the intensity of modern industrial farming.
10. Nonetheless, the retained barn would have a floorspace of 350sqm and therefore would be a moderately large building capable of supporting an intensification in agricultural use of the site, even where operating under a small-scale agriculture model. The proposal contains no details of the agricultural uses intended to take place in the retained barn. Therefore, the intensity of use of the retained barn cannot be quantified.
11. The proposal states that access to the site will remain unchanged. Therefore, the proposed dwelling and retained barn would both be served by the existing access road. The nature of agricultural enterprises may result in activity outside of typical working hours. Agricultural vehicle movements associated with the retained barn would be in close proximity to the proposed dwelling and its curtilage. No details have been provided regarding the type and size of vehicles, or frequency and volume of vehicle movements, associated with the retained barn.
12. The proposal suggests the proposed dwelling and retained barn would be separated by installation of acoustically sound-tested, separate wall structures. However, the proposal contains insufficient information to rule out noise and disturbance to occupiers of the proposed dwelling from vehicles movements.
13. The proposed dwelling would be served by a private garden area, screened by planting and fences. However, the extent and location of the garden is not shown

on the submitted plans. Therefore, there is uncertainty regarding the effectiveness of the screening in mitigating noise and disturbance to users of the garden.

14. The appellant suggests that use of the retained barn for livestock would be unattractive as the site is in a Nitrate Vulnerable Zone and has limited access for movement of livestock to and from the site. However, it is not demonstrated that such constraints are insurmountable, and the planning use would not preclude housing of livestock within the retained barn. Therefore, noise, odour and disturbance from livestock close to future occupants cannot be ruled out.
15. The appellant has provided valuation evidence to demonstrate it would not be economically advantageous to divide the proposed dwelling from the retained barn and surrounding agricultural holding. Since there would be no financial incentive to sell the proposed dwelling and retained barn as separate units, the appellant asserts any prospective occupier would have control over the agricultural activities that take place on site. However, I have no certainty that any prospective owner of the site would also be the future occupant of the proposed dwelling. For example, the proposed dwelling could be occupied by a tenant.
16. Furthermore, planning permission granted under Class Q would be for an open market dwelling and would not be tied to any agricultural function of the barn or surrounding land. Therefore, the living conditions should be of an acceptable standard for any occupier. The Planning Practice Guidance confirms that factors such as whether the property is for a rural worker are unlikely to be relevant¹.
17. Whilst Class Q supports the conversion of agricultural buildings, the particular circumstances of the proposal would result in the proposed dwelling being sited very close to potentially noisy and odorous agricultural activities, as the dwelling and retained barn would occupy the same building.
18. The appellant asserts that farming activity on the land would always be low intensity, and the agricultural holding is not likely to support agriculture of an industrial scale. However, the retained barn is of sufficient floor area and volume to enable the site's agricultural use to be intensified, and there is no mechanism to limit the scale of future agricultural uses of the retained barn or surrounding land.
19. In particular, there is uncertainty regarding the potential for noise and disturbance from vehicle movements associated with use of the barn, and keeping of livestock.
20. As set out above, the proposal fails to demonstrate that it would provide suitable living conditions for future occupants of the proposed dwelling, with particular regard to noise, disturbance, and odour. Therefore, I consider the location and siting of the building would make the conversion to residential use impractical and undesirable. As such, the proposal fails to comply with Paragraph Q.2(1)(e).

Conclusion

21. For the reasons given, I conclude that the appeal should be dismissed, and prior approval should not be granted.

E Dade

INSPECTOR

¹ Paragraph: 109 Reference ID: 13-109-20150305 of the Planning Practice Guidance