



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: 22 May 2025

Appeal Ref: APP/P1560/W/24/3355451

Bonds Farm, Holland Road, Little Clacton CO16 9QE

- 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 Byford against the decision of Tendring District Council.
 - The application Ref is 24/00406/COUNOT.
 - The development proposed is the conversion of an agricultural storage building into a dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Byford against Tendring District Council. This application is the subject of a separate decision.

Background and Main Issue

3. 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, which include matters in respect of which the developer must apply to the local planning authority for prior approval.
4. Having regard to the conditions in 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

5. The appeal site comprises a storage building which was solely in agricultural use on and prior to 20 March 2013. To the north is a haulage yard, much of which is used as an open storage area for haulage vehicles and associated apparatus. There is an abattoir to the west, between the building and Lodge Road, with agricultural fields in the wider rural area.
6. No concerns are raised about the transport and highways impact of the development, including from the highway authority, subject to the imposition of several conditions. However, the proposed dwelling could only be accessed via the operational transport yard, requiring future residents to drive, walk or cycle through an area used for storing and manoeuvring lorries, vans and cars. Whilst the Health and Safety Executive did not make any representations, there would be

a conflict between the traffic movements associated with the haulage business and the comings and goings associated with the proposed house. This would be harmful to the health and safety of future occupiers of the new dwelling.

7. The phase 1 contaminated land report has identified potential sources of contamination associated with the former use of the site but does not consider the implications of this for the proposed use. Although the Council's reason for refusal does not refer to the condition at paragraph Q2(1)(c), in the absence of this information I cannot be certain that contamination would not adversely affect the health and safety of future residents, also making it undesirable to change the building to residential use.
8. The Planning Practice Guidance indicates that it may be undesirable to change an agricultural building to residential use if it is adjacent to uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals¹.
9. At my site visit, although only a snapshot in time, there was some odour from animals, but it was not possible to decipher whether this was from the abattoir or from nearby farm operations. The abattoir is a sealed unit and the Council's Environmental Protection Officer has not raised concerns relating to the potential for odour nuisance from it. Further, there are no records of complaints about the abattoir to either the Foods Standards Agency or the Council. Given this, and the fact that some odours arising from animal husbandry are not unusual in a rural area, the proximity of the proposed house to the abattoir would not make residential use of the building undesirable.
10. The appellant indicates that the proposed dwelling would be occupied by the operator of the haulage business and that a condition restricting the occupation of the dwelling with no sub-division of the site would be appropriate. The appeal documents include a site plan showing the extent of land in the ownership of the appellant, which encompasses the haulage yard. However, the red line boundary on the application plans only includes the barn and small areas of land immediately surrounding it. As the haulage yard is not clearly identified or shown within the control of the appellant on the application plans, a condition restricting occupation of the dwelling to the operator of the haulage business would not be enforceable. Therefore, it would fail to meet the tests for planning conditions set out in the National Planning Policy Framework 2024.
11. There are references to the Council's refusal of prior approval applications and a dismissed appeal decision to convert an adjacent barn to a dwelling². In the appeal decision, it was found that the proposal would not be permitted development (PD) under Class Q and thus it was unnecessary to consider whether the location and siting of that building was impractical or undesirable for residential use. In the subsequent 2023 decision, having found that the scheme would not be PD, the Council logically followed a similar approach and thus did not refer to the health and safety implications of accessing the site through the haulage yard nor odours from the abattoir.

¹ Paragraph: 109 Reference ID: 13-109-20150305

² Application ref 21/01370/COUNOT and subsequent appeal ref APP/P1560/W/22/3295625 ('appeal decision'), Application ref 23/00173/COUNOT ('2023 decision')

12. Overall, I conclude that the location and 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

13. The appellant refers to the previous uses of the building and to an appeal decision at Great Totham³ where the Inspector found that despite intervening uses, the last lawful use of that building was for agriculture as part of an agricultural unit. Nonetheless, in the case of the current proposal, there is no dispute that it would be PD under paragraph Q1 of the GPDO.
14. There is reference to several other matters, including noise, the proximity of housing development, access to services, heritage and landscape assets, flood risk, and utilities supply. However, I am required to determine the appeal solely 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

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

A Wright

INSPECTOR

³ Appeal Ref: APP/X1545/W/18/3198348