Planning Inspectorate

Appeal Decision

Site visit made on 15 July 2025

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2025

Appeal Ref: APP/U2750/W/25/3364753
Chancefield, Swainby Lane, Pickhill, North Yorkshire YO7 4JR

- 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 & Mrs Lane against the decision of North Yorkshire Council.
- The application Ref is ZB25/00280/MBN.
- The development proposed is conversion of two agricultural buildings into five dwellings to include associated operational development and with an extension to Unit A.

Decision

1. The appeal is allowed and prior approval is 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 conversion of two agricultural buildings into five dwellings to include associated operational development and with an extension to Unit A, at Chancefield, Swainby Lane, Pickhill, North Yorkshire YO7 4JR, in accordance with the application Ref ZB25/00280/MBN and the details submitted with it, and subject to the additional conditions in the attached schedule.

Preliminary Matters

2. The application form describes the proposed development only as: "*Please see attached plans*". Since no further details were provided by the appellant, the description of development used in the banner heading above has been taken from the Council's decision notice, with wording related to the application being for prior approval omitted.

3. On 21 May 2024, Statutory Instrument 2024 No 579 came into force amending Article 3(1), Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). The transitional arrangements set out in Article 10 of the Order clarify that the amendments do not have to apply in relation to previously permitted development under Class Q of the GPDO in respect of which an application for a determination as to prior approval is made before 21 May 2025, as was the case in the application subject to this appeal.

4. The appellant's Planning Statement confirms that the application was submitted under the revised provisions of the GPDO, incorporating the amendments introduced in May 2024. Although the Council has not explicitly stated which version of the GPDO it considered in its assessment, both parties have had the opportunity to comment on this matter during the appeal process. I have therefore

not sought further submissions. Accordingly, all references to the GPDO in this decision relate to the version currently in force.

Background and Main Issue

5. Schedule 2, Part 3, Class Q(a) of the GPDO permits development consisting of a change of use of a building that is part of an established agricultural unit and any land within that building's curtilage. Additionally, Class Q(b) permits development referred to in sub-paragraph (a) together with the extension of that building, and Class Q(c) permits building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses). Development is permitted subject to certain criteria, with circumstances where development is not permitted being listed under Paragraph Q1. There appears no dispute between the parties that the proposal would satisfy these criteria.

6. Paragraph Q2 lists the conditions that development must comply with, including the specific considerations that the local planning authority may take into account when determining whether prior approval is required and should be granted. This includes Paragraph Q2(1)(b), which permits the local planning authority to consider the noise impacts of the development. Additionally, Paragraph Q2(1)(e) permits the local planning authority to consider 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.

7. Although the Council's formal decision notice refers to conflict with Paragraph Q2(1)(d) of the GPDO, which relates to flood risk, no concerns on this matter are raised in the officer report or the Council's Statement of Case. The latter clarifies that the relevant considerations relate to Paragraphs Q2(1)(b) and Q2(1)(e). I have therefore approached the appeal on that basis.

8. Having regard to these matters and the submitted evidence, the main issue is whether the proposed development would be subject to unacceptable noise impacts, or whether the location or siting of the buildings would render the proposed change of use to Class C3 (dwellinghouses) impractical or undesirable. This assessment is made with particular reference to Schedule 2, Part 3, Class Q, Paragraphs Q2(1)(b) and Q2(1)(e) of the GPDO, and considers the effects of noise, odour, and flies arising from nearby farming operations.

Reasons

9. Whilst the development plan does not form the basis for determining prior approval applications, Policy E2 of the Hambleton Local Plan, adopted February 2022 (the HLP) is relevant to the planning judgement required under Class Q2(1)(b) and (e). Policy E2 seeks to ensure that all proposals provide and maintain a high standard of amenity for all users and occupiers.

10. The Council refused the application based on the proximity of the proposed dwellings to agricultural buildings on the adjacent Windrush site. It cited the potential for lawful livestock housing and manure storage within these buildings, some of which are not subject to restrictive planning conditions. The Council argued that the separation distance of 55 metres was insufficient to mitigate impacts, and that the proposal would introduce sensitive receptors into an area where agricultural operations could lead to future conflict.

11. The appellant contended that the Council's assessment was based on a speculative intensification of use at the adjacent site, including pig rearing, which would constitute a material change of use requiring planning permission. The appellant submitted that the current lawful use of the adjacent buildings is for manure storage, a passive and low-intensity activity, and that one of the nearest buildings is used for commercial furniture storage. The proposed separation distance, a mature hedge buffer, and a layout designed to minimise interface with adjacent operations were also supporting factors cited by the appellant.

12. The appellant also noted that manure storage is typically an intermittent and low-impact activity, involving infrequent vehicle movements and limited disturbance. By contrast, the evidence suggests that livestock housing would result in a more continuous nature of activity and emissions.

13. At the time of the site visit, odours typical of agricultural activity were present throughout the area, including in nearby residential locations, but were neither pronounced nor uncomfortable. Notably, there was no discernible increase in odour levels in the immediate vicinity of the appeal site. In addition, no significant noise or vehicle activity was observed, and no flies were evident, even near the manure store. These observations align with the appellant's evidence and reflect the expected characteristics of a rural, working agricultural environment.

14. Whilst the Council notes that some of the buildings on the adjacent Windrush site are not subject to restrictive planning conditions, and could theoretically be used for livestock housing, the assessment of prior approval must be based on the current lawful use and observable impacts. Moreover, even if the nature and use of the adjacent site were to change, there is no substantive evidence before me to suggest that such a change would result in harmful effects on the living conditions of prospective occupiers. This is particularly so when considered against the rural and inherently agricultural context of the countryside location, where a degree of odour, noise and activity related to agriculture is to be expected and tolerated.

15. Whilst the Council's Environmental Health Officer raised concerns regarding permanent residential occupation, they indicated that the proposed development would be acceptable if it was not used as someone's sole or main residence, for example as holiday accommodation. Although this distinction may reflect differing sensitivities to the types of impacts that can be considered under the prior approval process, the GPDO does not explicitly differentiate between forms of occupancy within Class C3. In the absence of such a distinction, the assessment must focus on whether the proposed development would result in unacceptable impacts for residential use in general, based on the available evidence and the specific site context.

16. Additionally, the proposal must be assessed based on current known conditions, not speculative future uses. Controls under other regulatory regimes, such as the Environmental Permitting Regulations, exist to manage potential nuisance. The presence of agricultural activity in the vicinity does not, in itself, render the site impractical or undesirable for residential use.

17. Having regard to the evidence, site conditions, the limitations of the GPDO and relevant planning policies, I conclude that the proposed development would not be subject to unacceptable noise impacts, nor would its location or siting make it otherwise impractical or undesirable for residential use. The proposal would not

conflict with Policy E2 of the HLP and would therefore be acceptable under the terms of the GPDO.

Conditions

18. Paragraph Q2(4) of Schedule 2, Part 3, Class Q of the GPDO states that development under Class Q is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date. Paragraph W (12) of Schedule 2, Part 3 of the GPDO requires the development to be carried out in accordance with the approved details. Therefore, it is not necessary to repeat these requirements as conditions.

19. Additionally, Paragraph W (13) of Schedule 2, Part 3 of the GDPO sets out that prior approval may be granted subject to conditions reasonably related to the subject matter of the prior approval.

20. I have considered the 12 conditions suggested by the Council against the provisions of the GPDO, particularly those matters that may be considered under an application for prior approval. I have also assessed them against the relevant tests for planning conditions as set out in the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG). Where necessary, I have omitted or amended conditions to ensure compliance with these provisions.

21. Conditions 1 and 2, which relate to the time limit and a list of approved plans, are not necessary as these matters are already addressed by the terms of the GPDO.

22. Condition 3, which requires details of external surfaces, is necessary to ensure the development accords with Paragraph Q2(1)(f) of the GPDO, which relates to the design and external appearance of the building.

23. Condition 4 seeks details of boundary treatments, including walls, fences and other means of enclosure, in the interests of neighbouring amenity. However, this matter does not fall within the scope of the prior approval considerations and its imposition would not accord with the requirements of Paragraph W(13) of the GPDO.

24. Conditions 5 to 8 relate to the implementation of access and parking areas, and construction management. Collectively, these conditions are necessary in the interests of transport and highway safety, and relevant to Paragraph Q2(1)(a) of the GPDO. Conditions 6 to 8 can be combined into a single condition to ensure clarity and enforceability.

25. Condition 9, concerning the reporting of unexpected contamination, is necessary to address land contamination risks and therefore accords with Paragraph Q2(1)(c) of the GPDO.

26. Condition 10 relates to external lighting, and conditions 11 and 12 relate to drainage. However, these are not matters listed for consideration under the prior approval procedure. Additionally, as no flood risk concerns have been identified, I am not persuaded that these conditions would meet the requirements of Paragraph W(13).

Conclusion

27. For the reasons given above, I conclude that the appeal should be allowed, and prior approval granted.

P Storey

INSPECTOR

SCHEDULE OF CONDITIONS

1) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- Details of on-site parking capable of accommodating all staff and sub-contractors' vehicles clear of the public highway;
- Details of on-site materials storage capable of accommodating all materials required for the operation of the site;
- Measures to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including wheel washing facilities; and
- Measures to prevent surface water from non-highway areas discharging on to the existing or proposed highway, together with a programme for their implementation.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

2) No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development, including measures to prevent light spill from the high-level glazing and roof lights of the development, have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

3) No approved dwelling shall be occupied until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved details. Once constructed, these areas shall be maintained clear of obstruction and retained thereafter for their intended purpose.

4) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

**** End of conditions ****