



Appeal Decision

Site visit made on 9 September 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 October 2025

Appeal Ref: APP/U2615/W/25/3365862

Doles Poultry Farm, Stanmaur, Doles Lane, Bradwell, Great Yarmouth, Norfolk NR31 9DZ

- 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 Geoff Perry against the decision of Great Yarmouth Borough Council.
 - The application Ref is 06/24/0942/PAD.
 - The development proposed is conversion of agricultural building to 3 single-storey dwellings (2no. 1-bedroom and 1no. 2-bedroom), including works of partial demolition of rear and front elevations and removal of part of the roof. Removal of wall panels and insertion of windows, doors and rooflights and infilling of an existing opening.
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Decision

1. The appeal is dismissed.

Applications for costs

2. Applications for costs were made by Mr Geoff Perry against Great Yarmouth Borough Council and by Great Yarmouth Borough Council against Mr Geoff Perry, which are the subject of separate decisions.

Preliminary Matters

3. A Unilateral Undertaking (UU) was submitted during the appeal process, which seeks to provide an additional financial contribution towards the Norfolk Green Infrastructure and Recreational Avoidance and Mitigation Strategy (GIRAMS). The UU was submitted late in the appeal process and the Council has therefore not been afforded the opportunity to comment on it. However, for the reasons set out later in my decision, I am content that the Council has not been prejudiced.

Background and Main Issues

4. Under Article 3(1) and Schedule 2, Part 3, Class Q(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GDPO), development is permitted for the change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) together with building operations reasonably necessary to convert that building, subject to limitations and conditions.
5. The Council may refuse the application where it considers that the proposed development does not comply with, or that the developer has provided insufficient information to enable the Council to establish whether the proposed development complies with the conditions or limitations set out in paragraphs Q1 and Q2.

6. In this case, the Council has refused the application on the basis that the proposed development would not constitute permitted development due to the size of the building's curtilage and associated non-compliance with Q.(a) and the definition of curtilage at Q3.(1), and with regards to noise impacts of the development as set out at Q2.(2) and Q2.(1)(b).
7. The main issues are therefore:
 - The effect of the proposal on the living conditions of future occupants of the proposed dwellings, regarding noise and disturbance; and
 - Whether or not the curtilage exceeds the land area of the building.

Reasons

Living conditions - noise

8. The appeal building is located within a tight cluster of buildings that form part of a wider agricultural unit. Very little separation distance is afforded between the subject building and surrounding sheds, particularly in respect of the location of the two smaller proposed dwellings.
9. Agricultural activities did not appear to be being undertaken at the time of my site visit, and the appellant has confirmed that the only poultry rearing activities occur on a seasonal basis within the building that is proposed for residential use under this appeal. Most of the surrounding buildings were being used for storage. There is no substantive evidence before me to dispute this position.
10. However, there remains potential for the surrounding buildings within the existing agricultural unit to be used for agricultural purposes, the activities of which could create substantial levels of noise.
11. It is acknowledged that Class Q conversions do not necessarily require separation of the proposal from the agricultural unit and that changes of use to residential accommodation do occur successfully in similar locations and indeed on working farms. However, the evidence provided in this case does not convince me that a thorough assessment of potential noise disturbance has been carried out. In addition, the appeal decision¹ cited by the appellant relates to an initial permission in principle proposal where consideration of detailed matters such as noise would be dealt with later.
12. The imposition of a condition restricting the use of the surrounding buildings to storage has been suggested. However, such a restriction could only be achieved by way of a legal mechanism such as an obligation under Section 106 of the Town and Country Planning Act 1990 given that the surrounding buildings sit outside of the appeal site. No such mechanism is before me for consideration in this case.
13. The appellant has also suggested the inclusion of enhanced noise insulation and a condition requiring compliance with World Health Organisation noise standards. However, no specific technical details of either are before me and in any case, no formal assessment of noise has been undertaken to determine the potential level of mitigation required, if any.

¹ PINS Ref APP/H1840/W/23/3333144.

14. For the above reasons, I find that the effect of the proposed development on the living conditions of future occupants of the proposed dwellings with regards to noise has not been adequately assessed. Therefore, I am unable to conclude that the proposal would comply with the conditions at Q2.(2) and Q2.(1)(b).

Size of curtilage

15. The first section of Class Q sets out a description of the development that can be achieved without planning permission, which is the precursor to subsequent sections relating to restrictions and conditions. Development under Class Q can consist of a building that is part of an established agricultural unit and any land within that building's curtilage, which is relevant in this case.
16. The GPDO is helpful in providing an interpretation of curtilage at Q3. For the purposes of Class Q, curtilage means the lesser of either a) the piece of land, whether enclosed or unenclosed, immediately beside or around the building on an established agricultural unit or former agricultural building, closely associated with and serving the purposes of that building or b) an area of land immediately beside or around the building on an established agricultural unit or former agricultural building no larger than the land area occupied by that building.
17. In this case, the agricultural unit is much larger than double the land area of the building. Annotations on the plans clearly show the land area accommodated by the building to be 307 sq.m and the proposed amenities area to be 305 sq.m, which is not substantially disputed by the Council. It therefore follows that the curtilage does not exceed the land area of the building.
18. The patio area, whilst proposed to be external to the resultant converted building, sits within the confines of the original building and should be considered as such for the above purposes.
19. Consequently, I am satisfied that the size of the curtilage does not exceed the land area occupied by the building. Therefore, the proposal would constitute permitted development in respect of Class Q(a).

Other Matters

20. Breydon Water Special Protection Area (the SPA) is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). The appeal site is located within its zone of influence and due to an increase in the number of dwellings, the proposed development would likely to have a significant effect on the SPA because of increased recreational pressures.
21. The appellant has not provided a completed template habitats regulation assessment (HRA) as advised would be necessary in the Preliminary Ecological Appraisal and by the Council. They have however made a direct financial payment to the Council towards the GIRAMS as mitigation and provided a draft UU that seeks to top-up the GIRAMS contribution in respect of recent calculation changes.
22. In any case, the grant of planning permission under Article 3(1) of the GPDO is subject to compliance with Regulations 75 to 78 of the Habitat Regulations. Effectively, Article 3(1) provides a pre-commencement condition which must be met, where the development would affect a European protected habitat, such as a SPA, before works can be undertaken as permitted development. This requires a

separate application to be made to the Council under Regulation 77 of the Habitats Regulations to allow the Council to undertake an appropriate assessment.

23. Based on the evidence before me, it does not appear that an application to the Council under Regulation 77 has been made. However, as such an application can be submitted and potentially approved after the grant of prior approval, it is not determinative in respect of the main issues that I have examined and therefore I do not need to consider this matter further as part of this appeal.

Conclusion

24. For the reasons given above, I conclude that the appeal is dismissed.

L Fern

INSPECTOR