
Appeal Decision

Site visit made on 16 December 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

Appeal Ref: APP/D0121/W/25/3367350

Bishops Farm, Bishops Road, Cleeve, North Somerset BS49 4NF

- 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 Stephen Edwards against the decision of North Somerset Council.
 - The application Ref is 25/P/0676/CQA.
 - The development proposed is change of use of an agricultural building and land forming the curtilage of the building to 1no. dwellinghouse (Use Class C3) and associated building operations.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Under Article 3(1) and Schedule 2, Part 3, Class Q of the GPDO, 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.
3. The Council confirms that the proposal constitutes permitted development in respect of the conditions set down in paragraph Q1. Development permitted under Class Q is subject to the conditions set out in paragraph Q2, which include matters in respect of which the developer must apply to the Local Planning Authority for prior approval set out in sub-sections (a) to (g).
4. The Council refused to grant prior approval for (a) transport and highways impacts, (b) noise impacts and (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change use to a dwellinghouse.
5. In light of the above, the main issues are whether prior approval should be granted in relation to:
 - the transport and highways impacts of the development;
 - whether the location or siting of the building makes it impractical or undesirable for the residential use; and
 - the noise impacts of the development.

Reasons

Transport and highways impacts

6. The site comprises a barn located within a complex of farm buildings. It is accessed via a gravel farm track which connects to Bishops Road, which, it is stated, is kept stable by the appellant through the use of a plate compactor. At my visit I observed that this track contained pools of water and areas of mud for large parts of its length and that areas of the adjacent grassland were also muddy. I acknowledge that this visit took place in winter following rainfall and that conditions may be different during drier periods.
7. The development would utilise the existing access and the vehicular movements associated with one dwelling would be modest. Nonetheless, given the condition of the access track, certain vehicles and pedestrians may find it difficult to access the dwelling, in particular when the track is muddy. Whilst it is suggested that pedestrians would be capable of walking over adjacent grassland, that may not always be achievable or desirable to all, including when the grassland is muddy. Whilst it is stated that the access track would be maintained and managed there is limited detail before me regarding what measures are proposed to ensure that it would be accessible to all vehicles and pedestrians. Thus, I cannot be assured that safe and suitable access to the site can be achieved for all users at all times.
8. Vehicular movements associated with the proposal would result in the potential for gravel from the access being deposited on the highway, increasing the risk of accidents on Bishops Road. The appellant proposes to tarmac over the junction to reduce this spread of gravel. Whilst this land falls outside of the site, there is no requirement in the GPDO for the entirety of the access to be provided fully within the curtilage of the dwelling. However, there is no evidence before me that this land is within the appellant's ownership. This casts doubt on whether the highway improvement works proposed to render the access arrangements acceptable could be controlled by condition. Thus, there is no guarantee that these measures would be delivered.
9. Drawing on the above, I cannot be assured that the proposal's impacts on highway safety would be rendered acceptable or that a safe access suitable for residential use would be provided. Thus, I conclude that the development would have an unacceptable transport and highways impact. It therefore would not comply with the condition set out at paragraph Q.2(1)(a), Part 3, Class Q of Schedule 2 of the GPDO. Whilst not determinative, it would conflict with section 9 of National Planning Policy Framework (the Framework) which requires that safe and suitable access to the site be achieved for all users.

Whether the site is in an impractical or undesirable location

10. 'Impractical' or 'undesirable' are not defined in the regulations. However, the Planning Practice Guidance identifies that their reasonable ordinary meaning should be applied in making any judgement. Namely, that impractical reflects that the location or siting would not be 'sensible or realistic', and undesirable reflects that it would be 'harmful or objectionable'.
11. The building is located on a working farm which, it is stated, includes 45 suckler cows and a flock of sheep/ lambs. The building is located within a cluster of agricultural buildings including a hay barn (which it is proposed to demolish), a

walled open storage area and a livestock barn. It is stated that the open storage area and areas of hardstanding around the barn are used intermittently for the storage of farm equipment and machinery. There is limited information before me regarding how the land occupied by the hay barn will be used once it has been demolished. No technical assessment of the noise generated by activities on the land has been submitted.

12. The appellant estimates that the barn used to house livestock is approximately 40 metres from the appeal building. It is separated from the appeal building by 2 concrete walls which enclose the walled open storage area, which would help to mitigate noise from the livestock in the barn. Nonetheless, the dwelling would be located within a working farmyard and the building's siting and its close proximity to agricultural activities (including the associated movements of equipment, machinery and livestock) would be likely to give rise to noise and disturbance which would be experienced by future occupiers. In the absence of substantive technical evidence to demonstrate otherwise, I find it likely that the effects of noise and disturbance from those agricultural activities would be sufficiently intense to cause harm to the living conditions of future occupiers, particularly during warmer weather, when those occupiers would be likely to have windows open for ventilation. Without evidence that the harmful effects could be adequately mitigated, I cannot be assured that the imposition of a condition requiring the submission of a noise survey would have the capacity to satisfactorily address these concerns.
13. Whilst the nearby dwelling Bishops House is located closer to the livestock barn than the appeal property, based on the evidence before me and my observations on site this dwelling appears to be separated from the working farmyard and surrounding agricultural land. Given this, there is no compelling evidence that its siting and potential susceptibility to noise and disturbance from the activities within the working farmyard are comparable to the appeal building.
14. Acknowledging that the site's location may not be desirable to a non-rural worker, the appellant suggests that the development could be rendered acceptable through the imposition of a condition restricting occupancy to an agricultural worker on the basis that someone employed in agriculture would be more accustomed to noises associated with agricultural activities. Even if I were to accept that an agricultural worker would be less sensitive to the disturbances from agricultural activities, in the absence of evidence to the contrary, the likely noise disturbance from the agricultural activities would still be harmful to their living conditions. It would also be harmful to any resident dependents, who may be less resilient to such circumstances. Given this, and even if it is the case that the surrounding agricultural land is in the same ownership as the appeal site, I am not assured that the imposition of a condition restricting the occupation of the dwelling to an agricultural worker would overcome the identified harm.
15. In support of the proposal, my attention has been drawn to an appeal decision¹ in which the Inspector found that occupiers of a proposed dwelling would not be subject to an unusual or unacceptable potential for noise conflict, and a prior approval decision² in which the Council imposed a condition restricting occupation of a dwelling to agricultural workers. However, the full details of these proposals

¹ APP/D0121/W/24/3356986

² 17/P/5564/CQA

are not before me, and I am therefore unable to draw conclusions on the similarities between this appeal and the decisions to which my attention has been drawn. I have therefore considered the appeal proposal on its individual merits and with regard to the specific circumstances of the site and its surroundings.

16. The Council's reason for refusal references a harmful lack of privacy. There is however no explanation within the Council's submissions as to how this harm would arise. There is no particular evidence before me that the dwelling or its associated domestic curtilage would be subject to unacceptable levels of overlooking. Consequently, on the basis of the evidence before me, I find that there would be no harm in this regard.
17. With regards to noise and disturbance, the location and siting of the building would make it impractical and undesirable for a dwelling. It therefore would fail to comply with the condition set out at paragraph Q.2(1)(e), Part 3, Class Q of Schedule 2 of the GPDO. Insofar as it is relevant to the proposal, it would conflict with section 12 of the Framework which requires that developments create places with a high standard of amenity.

Noise impacts

18. The Council also referred to part (b) of paragraph Q.2(1) (noise impacts) in its reasons for refusal. However, this relates to the noise impacts of the development itself. There is no indication that the noise arising from a single dwelling, which is located some distance from other dwellings, would result in harmful noise impacts. Thus, I find no conflict with part (b) of paragraph Q.2(1).

Conclusion

19. For the reasons given above, the proposal is not permitted development under Schedule 2, Part 3, Class Q of the GPDO. The appeal is therefore dismissed.

N Robinson

INSPECTOR