
Appeal Decision

Site visit made on 10 March 2026

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 March 2026

Appeal Ref: APP/U2750/W/25/3376435

Bumble Barn, Green Lane, Monk Fryston, North Yorkshire LS25 5EJ

- The appeal is made under section 78 of The Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr P Smith against the decision of North Yorkshire Council.
 - The application Ref is ZG2025/0919/ATD.
 - The development proposed is described as: 'Change of use of an agricultural building to form 2 No. 2 bedroom residential properties'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the above description, taken from the application form, to remove words that are not acts of development.
3. Schedule 2, Part 3, Paragraph W of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) states that the local planning authority may refuse a prior approval application where the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified as being applicable to the development in question. It was on this basis that the Council refused to grant prior approval.
4. Planning permission¹ was granted in 2024 adjacent to the appeal site for the erection of a new agricultural building for storing agricultural machinery, fodder and seasonal housing of livestock. The Council has confirmed that this has been implemented. On the site visit I saw that the concrete floor of this building was in place.

Main Issues

5. The main issues are:
 - whether the proposals would result in the external dimensions of the proposal extending beyond the external dimensions of the existing building at any given point, having regard to criteria (h) and (j) of Class Q.1 of the GPDO;

¹ Ref 2023/0356/FUL.

- whether the transport and highways impacts of the development would be acceptable having regard to parking provision and criterion (a) of Class Q.2 (1) of the GPDO; and
- whether the location or siting of the building would make it impractical or undesirable for it to change from agricultural use to a use falling within Class C3, having regard to the living conditions of future occupiers with particular regard to noise and odour and criteria (b) and (e) of Class Q.2 (1) of the GPDO.

Reasons

External Dimensions

6. The proposed drawings show a 'Glass Juliet Balcony' to the large first floor opening in either gable. This is not shown on the floor plans but is shown on the elevation drawings. The appellant contends that the proposed Juliet balconies would not extend beyond the external dimensions of the existing building at any given point except for being a building operation allowed by Q.1 (j)(i), being within 200mm of the existing external dimensions of the building.
7. Although I am provided with little detail in this regard, it appears to comprise of a glass panel extending beyond the width of the opening and fixed to the exterior of the building by brackets. As such, whilst not shown on the north west or south east elevations, it appears that there must be a degree of protrusion beyond the external dimensions of the building in order to allow for its installation. However, the extent of this is not clear from the proposed plans, nor have any details such as a cross-sectional drawing or precise measurements been provided at appeal.
8. Whilst I acknowledge the appellant's above argument that it would meet this exception, this claim has not been supported by any convincing evidence, and as such I cannot be certain that the proposed balcony would fall within the maximum extent of projection permitted by Q.1 (h) and Q.1 (j). On this basis I am therefore unable to conclude that the proposal would comply with the requirements of Class Q.1 of the GPDO.

Parking

9. The appeal site is accessed across a wide verge via a pair of timber field gates from Green Lane, a short, narrow stretch of road serving three other dwellings. All three properties have off street parking. Green Lane itself is accessed from the A63, a relatively busy highway at the national speed limit within a rural setting.
10. It is proposed to incorporate four parking spaces comprising of a pair of tandem spaces immediately inside the access gates. This would fall within the proposed curtilage which would extend around the edge of the building and adjoin the site entrance. The Council considers that the proposed parking arrangement would block access for vehicles accessing the agricultural building that is currently under construction.
11. Such an arrangement would require one or two vehicles to be moved to allow access for vehicles associated with the agricultural building to exit or enter the site from Green Lane. The appellant has provided a separate plan demonstrating how parking could be provided outside of the curtilage sought. This would allow for vehicles to pass uninhibited through the parking area to access the agricultural

building, although it would clearly extend further into the field onto what is agricultural land and does not form part of this application for prior approval. Given, that I have no detail of the precise exact access route that would be implemented and/or yard associated with the agricultural building, this carries limited weight in my determination.

12. In the absence of any evidence to conclude otherwise, the conflict between the operation of the agricultural building and proposed parking area could, on occasion, lead to vehicles parking along Green Lane which has very limited opportunities in this regard due to its narrow width. In such circumstances, vehicles parked along this road would slow traffic flow or block access for nearby residential properties, inconveniencing local residents. The widest part of Green Lane is the junction with the A63. Any vehicles parked here would potentially limit access and visibility for those exiting or entering the A63 increasing the risk of a collision and adversely affecting highway safety.
13. Whilst I am mindful that there is no requirement in the GPDO for the curtilage of a proposed conversion to include dedicated parking provision, given the lack of detail of the proposed agricultural building and any associated yard or access, as well as the unsuitability of Green Lane for parking, I cannot be certain that there would be opportunities for vehicles to park safely on or off the site as part of the proposed use. My above assessment is reinforced by the comments of the Highway Authority.
14. For the above reasons I therefore conclude that the transport and highways impacts of the development would not be acceptable having regard to parking provision and criterion (a) of Class Q.2 (1) of the GPDO.

Location or Siting

15. The appeal building lies around 3 metres from the side elevation of the agricultural building that is under construction. This would be immediately adjacent to the front door and the window openings serving the living room of the westernmost unit referred to as Plot 2. Nonetheless, given the proximity of the two buildings, and their orientation, the proposed curtilage and living spaces of both proposed dwellings would have a very close relationship with the agricultural building.
16. Whilst I have very little detail in relation to the proposed agricultural building, I saw on my site visit that the building was L shaped, and as such one would expect openings in the two adjacent perpendicular wings, the elevations facing towards the appeal building and the access. The use of the building for storage of agricultural machinery and for fodder would result in agricultural vehicles manoeuvring very close to the appeal building. As is the nature with such an enterprise, agricultural activities could take place during the day and night, seven days a week. Such proximity would likely result in a high degree of noise being experienced by the occupiers of the dwellings including outside of normal working hours.
17. The proposed use of part of the building for the seasonal housing of livestock would also generate vehicle movements as well as noise from the animals themselves and the processes that would take place in the building. This may be concentrated at particular times of the day when, or before, animals are fed. Furthermore, as is set out in the Council's Environmental Health comments, the use of a building for housing livestock generates odour, and insect activity, which

are inherently difficult to control and mitigate effectively. Given the closeness of the two buildings, based on what is before me, the occupation of the building by livestock would likely result in odour and insect activity being particularly concentrated in the spaces immediately adjacent to the dwellings, to the detriment of the living conditions of their future occupiers.

18. Whilst I acknowledge that it is the appellant's intention to occupy one of the dwellings, with the other occupied by his daughter, there are no provisions before me to ensure that would be the case. Indeed, both dwellings could be sold off separately without any restriction. This could occur upon construction or after a period of occupation by the appellant and his family. The agricultural building and surrounding agricultural land could also be sold off separately without any control.
19. Future residents without any connection to the agricultural business would potentially be subjected to significant noise and smells arising from the activity, including agricultural vehicle movements passing very close to the dwellings and their small curtilages during the day and night, seven days a week.
20. In conclusion, the location and siting of the building adjacent to an agricultural building that is under construction would make it undesirable for it to change from agricultural use to a use falling within Class C3. The proposal would not provide adequate living conditions for future occupiers of the proposed dwellings with particular regard to noise and odour and criteria (b) and (e) of Class Q.2 (1) of the GPDO.

Conclusion

21. For the reasons given above the appeal should be dismissed.

Paul Martinson

INSPECTOR