

---

## Appeal Decision

Site visit made on 15 September 2015

**by Jonathon Parsons MSc BSc (Hons) DipTP Cert(Urb) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 1 October 2015**

---

### **Appeal Ref: APP/L3245/W/15/3013403**

#### **Little London Farm, Alveley, WV15 6HZ**

- 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, Paragraph Q.2. of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO).
  - The appeal is made by Mr Neville Taylor against the decision of Shropshire Council.
  - The application Ref 14/05601/PMBPA, dated 10 December 2014, was refused by notice dated 9 February 2015.
  - The development proposed is the change of use and conversion of an existing agricultural building to a new dwelling.
- 

#### **Decision**

1. The appeal is dismissed.

#### **Procedural matters**

2. On 15 April 2015, an updated and consolidated GPDO came into force which has changed the class names of various permitted development classes of the old GPDO. The submitted appeal referred to a prior notification under Class MB which has been re-titled to Class Q under the new GPDO. In respect of this appeal, I am satisfied that the changes do not raise any substantive issues and that the main parties would not be prejudiced by judging the proposal against the new GPDO.
3. During the consideration of the proposal, the proposed elevation and site plan was amended. The appeal has been considered on the basis of this amended plan, drawing no. 2943-03A.

#### **Main Issue**

4. The main issue is whether or not the proposal constitutes permitted development.

#### **Reasons**

5. The appeal site comprises a brick and tiled building within an existing complex of farm buildings. It is accessed off a track leading off a main road which splits also to serve a farmhouse.

6. The proposal would result in the change of use of the barn to Class C3 (dwellinghouses). Schedule 2, Part 3, Class Q of the GPDO, as updated and consolidated in 2015, permits development consisting of:  
*(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that schedule.*
7. Under this Class, development is permitted subject to the condition that the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required. Such a determination is dependent upon whether certain conditions are met. Condition Q.2.(1)(e) considers whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. It is this condition which is at dispute.
8. Planning Practice Guidance (PPG)<sup>1</sup> states impractical or undesirable are not defined in the regulations but that local planning authorities are required to apply a reasonable ordinary dictionary meaning in making any judgement. In this regard, it states that impractical reflects that the location and siting would “not be sensible or realistic” and undesirable reflects that it would be “harmful or objectionable”. The PPG also indicates when considering whether it is appropriate for the change of use to take place in a particular location, it should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. Furthermore, the PPG indicates that if an agricultural building is in a location where the local planning authority would not normally grant planning permission, this is not sufficient reason for refusing prior approval.
9. Paragraph W(10)(b) of Schedule 2, Part 3 of the GPDO also sets out that regard to the National Planning Policy Framework (The Framework) may be made so far as relevant to the subject matter of the prior approval. The Council has drawn my attention to a core planning principle of the Framework which states that planning should always seek a good standard of amenity for existing and future occupiers of land and buildings.
10. The appellant indicates that the adjacent farming activities are hay storage and vehicle storage. On my site visit, I found that the appeal building was adjacent to an access track leading to various farm buildings and storage yard areas. The farm buildings were designed with openings that encouraged access from this track. Some of the farm buildings contained vehicles and machinery, whilst one part of a building had cattle within it. To the east of the track and appeal building, there was an open yard area with farm machinery and equipment, and a fuel filling facility. In between this area and the appeal building, there was a building used a workshop.
11. The use of the agricultural buildings and areas would be likely to change over time and in this regard, the various detailed uses observed on my site visit may not be present throughout the year. However, the size and design of buildings and yard areas accessed off the track would inevitably result in significant farm

---

<sup>1</sup> Paragraph 109 Reference ID:13-109-20150305.

activity and traffic. Together with the use of farm machinery, it would be reasonable to conclude that there would be substantial amount of smell, noise, and disturbance, during busy farming times of the year. Noise and disturbance could occur outside normal business hours during the week at anti-social times. The converted farm building, along with the rear garden, would be in close proximity to these sources of smell, noise and disturbance.

12. With regard to the PPG, the development would be in a location where the Council would not normally grant planning permission. However, the impact of the development on the living conditions of the occupiers of the proposed dwelling would be undesirable by reason of the harmful/objectionable smell, noise and disturbance. Such an adverse impact would conflict with the core planning principle of the Framework which requires planning to achieve a good standard of amenity. Furthermore, this is a circumstance where impact cannot be mitigated given the extensive nature of farm buildings and yard areas, and therefore, activities adjacent to the appeal development.
13. The existing farmhouse is located further away from the access track, farm buildings and yard areas than the appeal development. The farmhouse is also part of the farming enterprise. There is another farm track serving the farmhouse but this mainly serves this property rather than the farm buildings/yard areas. The Butts Bungalow is near to the group of farm buildings/yard areas and the associated track but it is served by a separate access from the main road and is also physically separated from the track and farm buildings/areas by buildings. To the rear of the cottage, there is also an extensive area of landscaping adjacent to the access leading into Little London Farm. For these reasons, the context surrounding these properties is not similar to that before me and accordingly, I attach little weight to them in my decision. In any case, the appeal proposal has been considered on its individual planning merits.
14. Having had regard to all other matters raised, I find that the proposal would not accord with condition Q.2.(1)(e), Class Q, Schedule 2, Part 3 of the GPDO and would not benefit from being permitted development. On this basis, I conclude that the appeal should be dismissed.

*Jonathon Parsons*

INSPECTOR