
Appeal Decision

Site visit made on 15 April 2015

by Mike Hayden BSc DipTP MRTPI

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

Decision date: 29/04/2015

Appeal Ref: APP/Y2736/W/14/3002184

The Granary, Birk House, Buttercrambe Road, Buttercrambe, York, North Yorkshire YO41 1AR

- 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 the Trustees of G.W. Darley 1971 Settlement against the decision of Ryedale District Council.
 - The application Ref 14/00728/GPAGB, dated 26 June 2014, was refused by notice dated 15 August 2014.
 - The development proposed is change of use of agricultural building to a dwellinghouse (Use Class C3).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. A new consolidated Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) came into force on 15 April 2015. Under the new GPDO, permitted development rights for agricultural buildings to dwellinghouses now fall under Class Q, rather than Class MB. However, the legislation provides that any applications made under the provisions of the previous GPDO should be treated as if made under the new GPDO. Therefore, I have treated the application the subject of this appeal as made under Class Q.
3. The description of the proposed development on the application form is for 'change of use of a two storey brick and pantile building to a single three bedroom dwelling'. However, the description of the proposal on the Council's decision notice and the appeal form is for 'change of use of agricultural building to a dwellinghouse (Use Class C3)'. I have used this latter description in the heading above as it more accurately reflects the permitted development for which prior approval is sought in the terms of Class Q of the GPDO.
4. The application form names the site as Birks House Farm. However, it is clear from the appellant's grounds for appeal, the OS plan of the site and the Council's decision notice that the site is called Birk House. For the sake of accuracy, I have used this latter site address.

Main Issue

5. There is no dispute that the proposal meets the requirements of paragraph Q.1 of the GPDO and therefore that it constitutes Permitted Development under Class Q, subject to the prior approval of certain matters. For permitted

development under Class Q(a), namely a change of use from an agricultural building to a Class C3 dwellinghouse, paragraph Q.2(2) of the GPDO requires prior approval of five matters. These are: (a) the transport and highways impacts of the development; (b) noise impacts; (c) contamination risks; (d) flooding risks; and (e) 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 (dwellinghouses).

6. On the basis of the evidence submitted and the Council's reason for refusal, the main issue in this case is whether the location and siting of the building makes it impractical or undesirable for the building to change to a Class C3 dwellinghouse, in terms of its effect on the living conditions of future occupiers of the proposed dwellinghouse, with particular regard to noise and disturbance.

Reasons

Location and Siting

7. The appeal site is part of a group of farm buildings at Birk House, which forms part of the Buttercrambe Estate. It comprises a two storey brick and pantile building, known as the Granary, with a large open storage shed attached to the rear. It is located at the front of the group of farm buildings, on its northern side, at the end of the main driveway and access to Birk House.
8. To the rear of the appeal building, on its southern side, is the farm yard, the existing access to which abuts the eastern side of the appeal site. The yard is surrounded by a number of agricultural storage buildings, including a large metal framed and clad open shed to the east, which is used to store machinery such as a tractor and combine harvester. Two large sheds to the south of the yard are used to store other farm produce and farm machinery. The site is also used to store large amounts of timber; at my site visit there were a substantial number of logs stacked to the east and south of the main sheds. There is a further access to the east of the farm buildings, which provides access to the main sheds and to the yard from its southern end.
9. The proposal would be to convert the Granary into a three bedroomed dwelling and remove the attached open storage shed to create a garden and parking area at the rear, enclosed by a brick wall. The main entrance to the dwelling would be in its eastern elevation from the existing vehicular access into the farm yard. A second rear entrance would be formed in the southern elevation of the dwelling onto the garden and parking area. All of the windows to the dwelling would be in the north elevation overlooking fields and the main entrance to the site.
10. The proximity of the proposed dwelling to the large farm buildings and timber storage areas to the east and south, in their current use, would give rise to significant levels of noise and disturbance to future occupiers of the proposed dwelling. The domestic use of the dwellinghouse and the garden to the rear would be disturbed by activity within the yard, by vehicles using the main driveway and entering or leaving the sheds, and by the delivery, movement and collection of timber and other products stored in and around the sheds. The proposed main entrance to the dwelling off the existing vehicular access into the yard would present a danger for pedestrians exiting the door when farm vehicles were passing.

11. In relation to the permitted development rights for the change of use of agricultural buildings, the Planning Practice Guidance (PPG) defines the word 'undesirable' in the GPDO as 'harmful or objectionable' (Ref ID: 13-109-20150305). Based on the current operation of the site, the proposed change of use residential use would be undesirable in this location on the site as, for the reasons given above, it would be harmful to the living conditions of future occupiers of the dwellinghouse.
12. Paragraph W(10)(b) of Schedule 2, Part 3 of the GPDO requires that regard must be had to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval. One of the core principles of planning contained in paragraph 17 of the Framework is always to seek a good standard of amenity for existing and future occupiers of land and buildings. The proposed change of use would be contrary to this core principle.
13. The appellant states that Birk House is no longer a working farm, that the farm buildings are temporarily used for estate functions because they are available and that uses would be relocated elsewhere on the estate following the conversion of the Granary to residential use. However, from the evidence submitted it appears the buildings to the east of the appeal building would continue to be used for the storage of machinery and farm implements out of season, with access provided from the eastern side. This suggests an intention to continue to operate the sheds for agricultural purposes in conjunction with the estate, albeit less intensively.
14. Although the appellant indicates that the existing access to the yard would be limited to domestic vehicles, there is nothing proposed in evidence by the appellant by way of planning controls to suggest how the use of the access might be limited. Furthermore, large agricultural machinery and vehicles would still be entering and leaving the site via the main access road and the access to the east of the farm buildings, with the potential to cause significant disturbance to the occupiers of the proposed dwellinghouse. Again, no evidence has been presented by the appellant to indicate how the agricultural use of the areas of the site closest to the proposed dwelling might be mitigated. The legitimate planning use of the site is for agriculture and, therefore, it would be unreasonable to restrict the use of agricultural buildings by condition to non-agricultural uses.
15. I note that the former farmhouse is in residential use and as a bed and breakfast. However, it is located on the south west side of the site away from the main farm buildings, where it is relatively undisturbed by activity within the farm yard or large vehicles entering the site via the main drive. This would not be the case for the appeal building at the front of the site.
16. On this basis, I conclude that the location and siting of appeal building makes it undesirable for the proposed change of use to a Class C3 dwellinghouse, as identified in paragraph Q.2(1)(e) of Part 3 of Schedule 2 of the GPDO, due to its effect on the living conditions of future occupiers of the proposed dwellinghouse.

Other Matters

17. No evidence has been presented that the proposed development would result in any significant transport and highway impacts, contamination or flood risks. Therefore, it would be acceptable in terms of matters (a), (c) and (d) of

Paragraph Q.2(1) of Part 3 of Schedule 2 of the GPDO. With regard to matter (b), other than the impact of noise from ongoing agricultural operations at the site on the proposed dwelling, which has been considered above as part of matter (e), no other evidence of noise impacts has been presented.

18. In terms of the design and external appearance of the proposed dwelling, matter (f), although plans were submitted showing the associated building operations, in the light of my conclusion on the change of use under Class Q(a), I have no need to address this matter.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

M Hayden

INSPECTOR