



Appeal Decision

Site visit made on 12 January 2015

by Michael Lowe BA(Hons) BTP MPA MRTPI

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

Decision date: 14 April 2015

Appeal Ref: APP/R3325/A/14/2228496

Building 1, Home Farm, Sutton Montis, Yeovil BA22 7HF

- 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 1, Paragraph A4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
 - The appeal is made by Mr J Tabor against the decision of South Somerset District Council.
 - The application Ref 14/02419/PAMB, dated 15 May 2014, was refused by notice dated 28 July 2014.
 - The development proposed is the change of use of an agricultural building and land within its curtilage to create a single dwelling.
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Decision

1. The appeal is allowed and approval is granted for the change of use of an agricultural building and land within its curtilage to create a single dwelling at Building 1, Home Farm, Sutton Montis, Yeovil BA22 7HF in accordance with the application Ref 14/00361/PDA, dated 20 May 2014, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the un-numbered and un-dated site location plan "Site: Building 1, Home Farm, Sutton Mondis, Yeovil, BA22 7HF Mr J Tabor".
 - 3) No development shall take place until full elevational details of the proposed dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matters

2. In the interests of conciseness and clarity, I have removed the second line of the description of proposal from the application form from my decision.
3. At the site visit it was evident that the plans I had were incorrect. During the course of the appeal the correct ones were re-issued and it is these which I have considered in my decision.
4. On the 5th March 2015, amendments were made to the National Planning Practice Guidance (NPPG) in respect of permitted development rights for the

change of use of agricultural buildings (updated PD guidance). I have determined the appeal in the light of these.

Background

5. Under Schedule 2, Part 3, Class MB of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (hereafter referred to as GPDO/PD), development consisting of a change of use and any land within its curtilage from use as an agricultural building to a use falling within Use Class C3¹ and those building operations reasonably necessary to convert the building are also permitted subject to certain limitations, restrictions and conditions. Paragraph MB.1(c) of the Order provides that development is not permitted by Class MB where the cumulative number of separate dwellinghouses developed within an established agricultural unit exceeds three.
6. The current appeal proposal was originally submitted to the Council submitted in tandem with application Ref: 14/02415/PAMB² for a similar proposal to another agricultural building also within the existing holding. On the 28 July 2014 the Council issued decisions in respect of both applications stating that planning permission would be necessary due to the cumulative impact in excess of three residential conversions
7. The updated PD guidance confirms that the total number of new homes which may be developed under Class MB is three and that this does not include existing residential properties within the established agricultural unit, unless they were created by the use of a PD right on a previous occasion. This gives a clear expectation by the government on how this part of the GPDO should be interpreted and I have given this significant weight in my determination of this appeal.

Main Issue

8. The main issue is whether the proposed development would accord with the requirements for development permitted under Schedule 2, Part 3, Class MB of the Town and Country Planning (General Permitted Development) Order 1995(as amended) (GPDO).
9. In assessing this I must pay particular regard sub-paragraph MB.1(c) which restricts these permitted development rights where the cumulative number of separate dwellinghouses within an established agricultural unit exceeds three.

Reasons

10. The appeal building is located within an agricultural holding of approximately 240 hectares. The appeal building is concrete framed with timber cladding and profiled roof sheets. It was clear from my site visit and the evidence before me that the previous use of the building was for agricultural purposes and the appellants have advised that the building was formally used for livestock housing and more recently for general agricultural storage and feed. The existing residential units that exist within the agricultural holding have not resulted from the prior approval process contained within the GPDO.

¹ Use Class C3 (dwellinghouses) of The Town and Country Planning (Use Classes) Order 1987 (as amended)

² Building 2 dated 15 May 2014 change of use of an agricultural building and land within its curtilage to create a single dwelling

11. I have taken into account the appeal decision³ raised within the Council Statement however this was issued prior to the recent updates to the NPPG and therefore has only limited relevance to this current appeal. This does not therefore alter my findings that the proposal complies with the GPDO. In accordance with the updated PD guidance it is clear that both the appeal scheme and that proposed under reference 14/02415/PAMB fall within the threshold of three units and can both be implemented in accordance with the GPDO.
12. I therefore conclude that the proposed development would accord with the requirements for development permitted under Schedule 2, Part 3, Class MB of the GPDO.

Conditions

13. The Council have indicated that any external alterations to the existing buildings could be conditioned which I agree is necessary to ensure the proposal blends in well with its rural surroundings. I have also added a condition requiring development to be carried out in accordance with the submitted drawings for the avoidance of doubt and in the interests of good planning. In accordance with the Order development needs to be carried out within three years of the date of this decision.

Conclusion

14. I conclude that the appeal should be allowed and approval granted. In granting approval the Appellant should note that the GPDO requires at Paragraphs A4 (10), (11) and (12) that the development shall be completed on or before 30th May 2016 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development, and the date of completion.

Michael Lowe
INSPECTOR

³ APP/X1118/A/14/2222035 dated 7 November 2014

