
Appeal Decision

Site visit made on 8 July 2015

by **Andrew Dawe BSc(Hons) MSc MPhil MRTPI**

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

Decision date: 30 July 2015

Appeal Ref: APP/R3325/W/15/3005005

Agricultural Building, Land West of Furpits Lane, Picts Hill, Langport, Somerset TA10 9HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr D Mitchell against the decision of South Somerset District Council.
 - The application Ref 14/04954/PAMB, dated 28 October 2014, was refused by notice dated 23 December 2014.
 - The development proposed is change of use of an agricultural building to a dwelling.
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Decisionanem

1. The appeal is allowed and approval is granted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO 2015) for change of use of an agricultural building to a dwelling at land at Agricultural Building, Land West of Furpits Lane, Picts Hill, Langport, Somerset TA10 9HJ in accordance with the terms of the application Ref 14/04954/PAMB, dated 28 October 2014 subject to the conditions in the attached Annex.

Application for costs

2. An application for costs was made by Mr D Mitchell against South Somerset District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The GPDO 2015 came into force on 15 April 2015 replacing the previous GPDO. I have therefore had regard to the GPDO 2015 in determining this appeal. In terms of the section which is relevant to this appeal, Class Q has replaced the old Class MB. However, in respect of the issues relating to this case, the content of the GPDO 2015 is not materially different to the old GPDO. The Council and appellant have also both acknowledged this change within their submissions.
4. The description in the fourth bullet point in the above header is taken from the appellant's Planning Statement as referred to in Section 4 of the planning application form.

Main Issue

5. The main issue is whether or not the location and siting of the building makes it impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.

Reasons

6. The existing agricultural building is mainly of timber clad construction with a blockwork plinth and cement fibre sheeting roof cladding. It has a number of windows in varying states of repair and entrances at either end and on the eastern side of the building. The site includes the building and its curtilage comprising an adjoining part of the surrounding field that would be no larger than the land area occupied by the building. It is not demarcated by any boundary treatment such that the building is set within an open field which itself is bordered by hedgerow and vegetation on its western and northern sides. It is in a raised location in relation to the existing dwelling of Blue Lias and located well to the west of it. The site is accessible via an existing access onto Furpits Lane and a grass drive with compacted wheel tracks leading to the field surrounding site.
7. Beyond the site to the north are open fields and, just within view of the site, another dwelling set a long way back from Furpits Lane. To the south are dwellings and associated buildings fronting the B3153 whilst to the west is ancillary land to one such property which is significantly vegetated.
8. Schedule 2, Part 3, Class Q of the GPDO 2015 sets out that development is classed as permitted development if it consists of a 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) of the Schedule to the Use Classes Order; and building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of that Schedule. This is subject to a number of situations where such development is not permitted, listed under Q.1, and to conditions in Q.2 setting out the matters for which an application to the local planning authority for determination as to whether the prior approval of the authority will be required.
9. In this case, the Council has not raised any issues with regard to the exclusions under Q.1, and I have no reason to conclude differently. With regard to Q.2, the matter at issue relates to Q.2(1)(e) only and again I have no reason to conclude differently. Q.2(1)(e) relates to 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) of the Schedule to the Use Classes Order.
10. I do not consider there to be any impractical reason as the site is well connected to the local highway network and close to existing dwellings in terms of, for example, connectivity to utility services. It remains to be considered whether or not it would be undesirable.
11. The National Planning Policy Framework (the Framework), in paragraph 17 states, amongst other things, that planning should encourage the reuse of existing resources, including conversion of existing buildings. Notwithstanding the criteria and conditions set out in Q.1 and Q.2 of the GPDO 2015, it would

be inevitable that any conversion of an agricultural building to residential would result in external indications of domestication including associated paraphernalia, such as for example garden furniture, washing lines and play equipment, as well as cars. The question is whether or not, in this case, those externalities, would be obtrusive in the context of the setting concerned.

12. The building is and would be seen from very few public vantage points in the vicinity and then only by way of glimpses either between buildings and vegetation along the B3153, or via the access point and through mature roadside vegetation along Furpits Lane. Therefore, although also visible from the small number of the nearby dwellings adjacent to the field in which the site lies, it would continue not be a prominent building and site in the context of the wider surrounding area. Furthermore, although set well away from the road unlike many others locally, it would not appear as a particularly isolated dwelling due to its relatively close proximity to those other nearby dwellings. It would also be seen to some extent in the context of the existing dwelling set away from the road to the north.
13. In this context, any external evidence of domestication of the site would not be prominent, obtrusive or jarring in respect of the wider surrounding area, particularly as the site boundary is tightly related to the building. Furthermore, I have no basis for considering that such elements would spill out beyond the curtilage of the site, other than the provision of vehicular access, despite there being no proposal for boundary treatment and particularly as the rest of the field would not be in residential use. This would be regardless as to whether or not the future occupants are related to or associated with the appellant. Provision for car parking is also shown on the plans to be within the building's curtilage.
14. The curtilage, by definition, is closely associated with the building, no larger than the land area occupied by that building. That shown on the submitted plans is therefore not unrealistically small or contrived in that context. Details of any boundary treatment that might be proposed in the future could also be secured by condition in order to ensure its appropriate design but there is no substantive basis for requiring such treatment in principle.
15. Concern has also been raised about the visual impact of surfacing and lighting of the access. I have not received any indication that any such upgrading is proposed and neither would it necessarily be required. However between the end of the track and the site is currently just open field. Because of that, it would be likely that some form of track would be formed across that land. There is no reason why it would have to be any more formal than the existing track and in any case, for the same reasons as above, it would not be highly visible or prominent from surrounding public vantage points and would be set well away from those existing dwellings along the B3153. Details of any future surfacing and lighting requirements could also be controlled by condition so as to ensure visual acceptability.
16. I have also had regard to the effect of car headlights, in respect of the character of the area. The access and parking area would be set well away from the nearby dwellings and the level of vehicle movements associated with just one dwelling would also be likely to be small. Therefore, any intrusion from vehicle lights over and above that associated with activity relating to the

existing agricultural building, on what is not a highly prominent site in the wider context, would be unlikely to be of a harmful nature.

17. For the above reasons, the location and siting of the building would not make it impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order. As such it would accord with the Framework which in paragraph 17 states that planning should take account of the different roles and character of different areas and, amongst other things, recognising the intrinsic character and beauty of the countryside.
18. The Council has suggested some conditions that it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of advice in the Government's Planning Practice Guidance and have amended some of the wording and also omitted others. Under Class W of the GPDO 2015, conditions should be reasonably related to the subject matter of the prior approval.
19. The condition relating to the timescale for completion of the proposed development is set out under the GPDO in paragraph Q.2(3) and so this does not need to be repeated. For the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans would be required.
20. In the interests of the character and appearance of the site and surrounding area, samples of materials proposed to be used on the external surfaces of the building would be necessary. In the same interests, it would also be reasonable to secure details of any hard standing and surfacing on the site, and relating to any access track surfacing, along with any external lighting, prior to its installation.
21. In respect of landscaping, there are no trees or hedges which would be likely to be directly affected by the proposed development and so it would not be necessary to secure the protection of the same by condition. Furthermore, there is no indication of any proposed planting associated with the development and, in any case, the space on the site would be very restricted for any significant tree or shrub planting. As I have found that the proposed building and associated access would not be highly prominent, additional landscaping would not be necessary for screening purposes and so a condition to secure new landscaping would not be necessary.
22. I have found that there is no substantive basis for requiring boundary treatment in principle. It would however be reasonable, in the interests of the character and appearance of the site and surrounding area, to secure details of any such fences, walls or gates before they were installed should future residents require it.
23. The proposed development would generally maintain the simple form of the existing agricultural building, in what is fundamentally an agricultural setting. Therefore, in order to prevent any discordant additions in that context, it would be reasonable to remove the permitted development rights for any future extensions or other alterations and for any outbuildings or other external structures, including any fences, gates or walls not otherwise controlled by the separate condition relating to boundary fences or walls.

Conclusion

24. For the above reasons, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR

Annex

Conditions

- i) The development hereby permitted shall be carried out in accordance with the following approved plans: 6441-01 and 6441-02.
- ii) No development shall take place until samples of the materials to be used on the external surfaces of the building concerned have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- iii) Prior to the erection of any boundary fences, walls or gates, details of such structures shall be submitted to and approved in writing by the Local Planning Authority. The structures concerned shall be installed and maintained in accordance with the approved details.
- iv) Prior to the installation of any hard standing or surfacing, including vehicular access track surfacing, details of such hard standing or surfacing shall be submitted to and approved in writing by the Local Planning Authority. The hard standing or surfacing concerned shall be installed and maintained in accordance with the approved details.
- v) Prior to the installation of any external lighting, including any lighting of the vehicular access track, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting concerned shall be installed and maintained in accordance with the approved details.
- vi) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension or other external alteration, other than as expressly authorised by this permission, shall be made to the exterior of the building.
- vii) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no outbuildings or other structures shall be erected on the site and no fences, walls or gates shall be erected other than as agreed under condition iii.