

For and on behalf of
Mr & Mrs Robinson

SUPPORTING STATEMENT

Hill Top Farm, Eastfield Lane, Thurgoland

**Prepared by
DLP Planning Ltd
Sheffield**

May 2019

Prepared by:	Matthew Pruce MPlan Planner
Checked by:	Michael Bamford BA Hons MPlan MRTPI Senior Planner
Approved by:	Roland G Bolton BSc (Hons) MRTPI Senior Director
Date:	May 2019

**DLP Planning Ltd
Ground Floor
V1-Velocity
Tenter Street
Sheffield
S1 4BY**

Tel: 01142 289190

DLP Consulting Group disclaims any responsibility to the client and others in respect of matters outside the scope of this report. This report has been prepared with reasonable skill, care and diligence. This report is confidential to the client and DLP Planning Ltd accepts no responsibility of whatsoever nature to third parties to whom this report or any part thereof is made known. Any such party relies upon the report at their own risk.

CONTENTS	PAGE
1.0 Introduction	4
2.0 Site Context and Planning History	5
3.0 Proposed Development	8
4.0 Assessment Against the Criteria in Class Q	11
5.0 Other Considerations	14
6.0 Conclusion	18
7.0 Appendices	19

1.0 INTRODUCTION

1.1 The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015 (2019) is a statutory instrument, applying in England, that grants planning permission for certain types of development. Schedule 2 Part 3 relates to changes of use and Class Q of this section grants permitted development rights for the change of use of agricultural buildings and any land within their curtilage to dwellinghouses falling within Class C3 of the Use Classes Order.

1.2 The legislation is broken into two parts, Class Q (a) which grants permission for the change of use, and Class Q (b) which grants permission for building operations reasonably necessary to convert the building to a dwelling.

1.3 Class Q requires that for proposals relating to the change of use of an agricultural building and its curtilage to a dwellinghouse, a determination should be made as to whether the prior approval of the local planning authority will be required regarding:

- transport and highway impacts of the development;
- noise impacts of the development;
- flooding risks on the site;
- risk of contamination;
- whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwellinghouse; or
- the design or external appearance of the building.

1.4 This Statement should be read alongside the following documents:

- Site location plan;
- Existing floor plans and elevations;
- Proposed floor plans and elevations;
- Structural Survey; and
- Phase I Site Investigations.

2.0 SITE CONTEXT AND PLANNING HISTORY

- 2.1 Hill Top Farm is located on Eastfield Lane which is situated about a mile north of the village of Thurgoland, there are several dwellings within the immediate area forming a hamlet.
- 2.2 The site itself is an agricultural holding made up of several large rectangular agricultural barns (Fig.1), used to rear Turkeys. The barns located along the western boundary are formed of blockwork walls, corrugated metal roofs and a steel frame and enclosed on all four sides. The smaller central and eastern barns possess low ceilings and are formed of wooden beams and a corrugated metal shell. Access is achieved into the site from Eastfield Lane, via an entrance to the north east of the site.

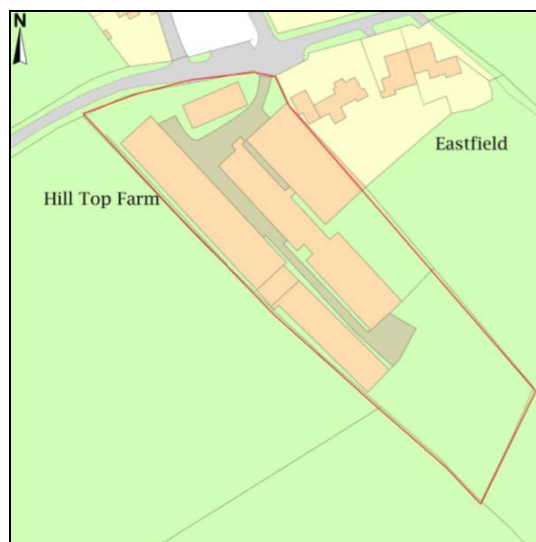


Figure 1. Hill Top Farm Location Plan

- 2.3 Located directly to the east of the application site are two large residential dwellings each with rear outbuildings. Directly north of the site are eight residential dwellings, beyond them to the north is a large agricultural shed. The surrounding area is predominately agricultural, along Eastfield Lane there are various residential dwellings and agricultural holdings.
- 2.4 The barns subject to this Prior Notification application are located along the western boundary of the site and are enclosed on all four sides. The barns have been examined by a qualified structural engineer who has confirmed that they structurally sound and can accommodate the required alterations necessary for a residential conversion without any foundation or structural work. A copy of the supporting structural report is included in this application under reference: Hill Top Farm - Buildings A and B. A further addendum to this

survey has been submitted which takes account of the revised plans under reference: Hill Top Farm - Conversion of Unit 1 and Units 2 - 5.

- 2.5 A County Parish Holding (CPH) number: C1143607 was obtained in March 2013 in order to allow the holding at Hill Top Farm to keep livestock. Upon obtaining consent for the development the agricultural functions of the site will cease, meaning that future residents would not be impacted by associated operations.
- 2.6 A search of the Local Authority's online planning portal identifies the following planning application that relate to the application site.

Application Reference	Description	Decision
2010/0973	Erection of a detached farmhouse dwelling.	Refuse (5 th August 2010)
2015/0768	Demolition of existing agricultural building and erection of agricultural workers dwelling	Refuse (12 th August 2015)
2019/0158	Application for prior approval for a proposed change of use of agricultural building to 5 dwellinghouses and associated operational development.	Refuse (27 th March 2019)

Table 1. Planning Application History

- 2.7 On the 27th March 2019 a request for Prior Approval for the proposed change of use of agricultural buildings was refused by Barnsley MBC on the following grounds:

- 1) *The proposed development is not permitted development as set out under Schedule 2 Part 3, Class Q.1 (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 because the work required for the conversion goes above and beyond 'building operations reasonably necessary to convert the building'.*
- 2) *By virtue of its layout and shared access the proposal fails to comply with condition Q.2 point (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 and point (f) design or external appearance.*

- 2.8 This revised scheme has been designed in response to these reasons for refusal as set out in Section 5 of this Statement. It is considered that the scheme as submitted satisfies the

relevant criteria set out in Paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (Updated 2019).

3.0 PROPOSED DEVELOPMENT

- 3.1 Two of the existing barns will be converted to create 5no. dwellings using the existing form and structure of these buildings under Class Q Permitted Development Rights.
- 3.2 The proposed dwellings will consist of 2 larger dwellings (more than 100m but no more than 465m of floorspace) and 3 smaller dwellings (no more than 100m of floorspace each). The floor spaces of each proposed dwelling are listed below:
- Plot 1 – 268 sqm
 - Plot 2 – 100 sqm
 - Plot 3 – 100 sqm
 - Plot 4 – 100 sqm
 - Plot 5 – 197 sqm
- 3.3 The total floorspace of the 5 dwellings will total 765 sqm, measured externally. The proposed site plan demonstrates that the curtilage of each dwelling will be no larger than the footprint of the existing agricultural building.
- 3.4 As part of the development proposals the two barns located at the entrance of the site will be demolished. The remaining barns on site will be retained under the ownership of the applicant.
- 3.5 The supporting Structural Survey and addendum confirms that all barn posts are plumb, blockwork walls are plumb, the floor slabs are level and that the steelwork was in good condition. Provided that measures are taken to preserve the steelwork and that damp proofing methods and insulation are incorporated the barns along the western boundary of the site are appropriate and capable for conversion to residential use. Which for clarity do not form part of the structural alterations.
- 3.6 Each property will possess residential curtilage no larger than the floorspace of each property, as illustrated by drawing number: 0315.002C_p Site Plan.
- 3.7 Access to the dwellings will be taken from the existing access point on Eastfield Lane.

Plot 1

- 3.8 Plot 1 will be converted from the southern barn of the agricultural buildings located along

the western boundary of the site. It is proposed that the end of the barn is demolished up to the first set of steel posts in order to keep the barn below the floorspace threshold. A new non-load bearing wall which will be predominately glazing will be erected on this southern elevation in its place. This new wall will be subservient to the existing structure of the barn.

- 3.9 The existing roof of the barn will be replaced with a new metal clad roof and the exterior walls will be clad with vertical timber panelling. Aluminium doors and windows will be installed to make the dwelling habitable.
- 3.10 The proposed dwelling will be laid out to have two bedrooms and kitchen diner.
- 3.11 The barns are constructed in bays and the structure of each element is independent. The adjoining barn will be demolished to separate the southern barn from the central barn. This adjoining barn does not form part of the structure of plot 1.

Plots 2 – 5

- 3.12 It is proposed that the northern barn along the western boundary is converted to create plots 2 -5. The conversion of this agricultural building will retain the existing structure of the barn and does not require the installation of any new external walls.
- 3.13 The existing barn will be subdivided through the installation of internal walls. Parts of the existing blockwork walls will be removed to allow for the installation of new aluminium doors and windows which will not compromise the structural integrity of the existing structure. The barn will be clad with vertical timber panelling.
- 3.14 The adjoining barn will be demolished to separate plots 2 -5 from the central barn. This adjoining barn does not form part of the structure of plots 2 -5.

Compliance with Class Q Permitted Rights

- 3.15 The site has solely been in use for agricultural purposes for over 50 years exceeding the threshold of 20th March 2013 set by Paragraph Q.1. **criteria (a).**
- 3.16 The cumulative floorspace of separate larger dwellinghouses developed under Class Q does not exceed 3 and the cumulative floorspace of of the existing building changing use to a larger dwellinghouse does not exceed 465 sqm in line with **criteria (c) part (b).** In the case of smaller dwellinghouses the cumulative number of separate dwellinghouses developed under Class Q does not exceed 5 nor does the floospace of any one separate

dwellinghouse exceed 100 sqm, in accordance with **criteria (c) part (c)** of Paragraph Q.1.

- 3.17 The proposal results in two dwellinghouses having no more than 465 sqm of floorspace cumulatively (197 sqm & 268 sqm) and 3 smaller dwellinghouses each no larger than 100 sqm (3x 100 sqm) in line with **criteria (d)**.
- 3.18 The site is not occupied under an agricultural tenancy **criteria (e) to (f)**, and is not affected by any of the constraints set out in **criteria (j) to (m)** of Paragraph Q.1.
- 3.19 There have been no previous dwellings on the agricultural unit formed under Class Q permitted development rights. The applicant has not exercised any permitted development rights under Class A (a) or Class B (a) of Schedule 2, Part 6 of the GPDO since 20th March 2013 in accordance with **criteria (g)**.
- 3.20 The proposed conversion does not involve the extension of the external dimensions of the existing building in line with **criteria (h)**, the existing walls will be retained.
- 3.21 The development proposal consists only of building operations reasonably necessary to convert the two buildings including:
- the installation and replacement of windows, doors, roofs and exterior walls; and
 - the installation of connection to utilities including water, drainage, electricity and gas etc.
- 3.22 The proposal also includes partial demolition of the end barn in order to keep the proposed dwelling below the floorspace threshold. The proposal only includes building operations that are acceptable as set out within **criteria (i) i-ii**.

4.0 ASSESSMENT AGAINST THE CRITERIA IN CLASS Q

- 4.1 Paragraph Q.2 of the GPDO requires the local planning authority to assess the proposal solely on the basis of its impact in terms of transport and highways, noise, contamination, flooding, whether the location or siting of the building make it otherwise impractical or undesirable for the change of use and the design and external appearance of the building. The following section of this report will discuss each criteria individually:

Transport and Highways

- 4.2 Paragraph 109 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 4.3 The site is accessed off Eastfield Lane which is an adopted, classified highway with good visibility in both directions from the site entrance. The use of the site for 5 dwellings would generate minimal vehicle movements and a safe and suitable access can be accommodated as part of the proposed development.
- 4.4 Therefore it is concluded that the proposals would not prejudice the safe or efficient use of the highway network.

Noise Impact

- 4.5 The application site is situated in a relatively tranquil area remote from noise generating sources. It is not therefore considered that the amenities enjoyed by future occupiers of the buildings would be unacceptably affected by noise.
- 4.6 The proposed dwelling is sufficiently distant from other residential properties to avoid causing any unacceptable impacts upon the amenities enjoyed by their occupiers.
- 4.7 The proposal will cease all agricultural functions on site, meaning that future residents would not be impacted by associated operations.
- 4.8 For the above reasons, the use of the building for residential purposes would not impact adversely on any other nearby properties and the amenity of any future occupants will not be compromised.

Contamination Risk

- 4.9 A Phase I Ground Investigation Report (reference: 43338-001 Hill Top Farm, Thurgoland - Phase 1) has been produced by Eastwoods and Partners in support of this Prior Approval application and to assess the contamination risks on site. The report sets out that there is no reason to expect elevated concentrations of contaminants in the natural ground at the site. Made ground might be present beneath the site. No work will be undertaken beneath the site, foundations are sufficient (Structural Survey confirmed) to accommodate the proposed development.
- 4.10 Asbestos sheeting was identified, and it was recommended that these were removed by a specialist contractor (Para 12 of the Executive Summary).
- 4.11 Where made ground remains on site in areas of private gardens or shared open space, the report recommends that a 600mm thick clean capping (including 100mm of topsoil) is allowed for. Alternatively, the material could be placed beneath areas of hard cover or removed from site.
- 4.12 The report concludes that unexpected contamination is not expected to be present on site.

Flood Risk

- 4.13 The Environment Agency's flood maps show the site as being within Flood Zone 1 where there are no significant or unacceptable risks to residential development. The development would not materially increase flood risk within the locality as the building and surfaced access track are existing features.
- 4.14 A Phase I Flood Risk Assessment has, therefore, not been submitted as part of this application.

Design and external appearance

- 4.15 The design and external appearance of the buildings has been very carefully considered to ensure that building operations are only those reasonably necessary to convert the building and that a proposal has been put forward which utilises as much of the existing structures as possible.
- 4.16 The existing buildings are enclosed on four sides and are capable of performing the primary function of a dwelling; to provide a secure environment with shelter from the elements. Only

partial demolition is proposed to Unit 1 and the Structural Survey submitted alongside this application confirms that the demolition of this part of the barn does not compromise the structural integrity of the remainder of the structure and that the building is capable of facilitating these works. These works are reasonably necessary to convert the building.

- 4.17 The internal building works required to insulate, partition and provide the normal features of any modern dwelling do not require consent. The works are wholly internal and will not materially affect the external appearance of the dwelling or structural integrity of the existing structures. Therefore this application seeks consent for the change of use of the building and the external works permitted which are permitted by virtue of Class A (a) and Class B (a) of Schedule 2, Part 6 of the GPDO.
- 4.18 The General Permitted Development Order as amended (2016) is explicit in listing the external alterations that are permitted under Class Q (i) provided they are reasonably necessary for the conversion of the building in to a dwelling. The proposed building operations have been limited to the installation of new windows, doors, a new roof and the installation of 1 no. exterior wall.
- 4.19 The land around the dwelling will be attractively landscaped and the residential garden space of each property will not be unduly prominent when viewed in the context of the countryside. As a result, the proposal will enhance the buildings and their immediate setting.
- 4.20 The proposal includes the demolition of the two agricultural barns at the front of the site as indicated in drawing reference: 0315.003F_Dem & Alts Site Plan. The demolition of these barns will improve the outlook for future residents and help to provide an attractive entrance into the site. The adjoining structures between the top and end barn to the central barn will also be demolished in order to improve the outlook for future residents.
- 4.21 The conversion of these barns retains the existing structure insofar as possible in order to retain the agricultural and rural character of the existing site. It is considered that the design of the proposed dwellings will have a positive uplifting effect on the character of the local area than that of the existing built form.

5.0 OTHER CONSIDERATIONS

5.1 The Council assessed the previous application against the legislation and found that it did not meet the requirements of Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015. In refusing the application (reference: 2019/0158) the local planning authority provided the following two reasons for refusal:

- 1) *The proposed development is not permitted development as set out under Schedule 2 Part 3, Class Q.1 (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015 because the work required for the conversion goes above and beyond 'building operations reasonably necessary to convert the building'.*
- 2) *By virtue of its layout and shared access the proposal fails to comply with condition Q.2 point (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 and point (f) design or external appearance.*

5.2 The applicant and architect have worked to address these design issues. The following section will identify how the new proposal has been designed in response to these reasons for refusal.

Building Operations

5.3 The proposed development has been revised following the refusal of the previous prior approval application. This proposal includes the conversion of the upper barn to create plots 2 – 5 using the entirety of the barn, with the only proposed demolition taking place to remove the roof connecting the top barn to the central barn.

5.4 In addition, it is proposed that the southern barn is converted in order to create plot 1. The conversion of this barn only requires the demolition of a small section of wall. As confirmed by the supporting structural survey the demolition of this part of the barn will not compromise the structural integrity of the barn and that the existing structure can facilitate the installation of the proposed new exterior wall. It is highlighted that the demolition of the other barns on site could be achieved alternatively under Schedule 2, Part 31 of the Town

and Country Planning (General Permitted Development) Order 1995 and that the proposed accumulative demolition on site does not conflict with the building operations deemed acceptable under Class Q.

- 5.5 The extent of the proposed building operations has been reduced in response to the concerns from the Council that these went beyond the scope of Class Q (1). It is considered that the amendments to this proposal should fully satisfy the Council that the building operations are reasonably necessary to convert the building.

Failure to comply with part Q.2 (e) and (f)

- 5.6 The second reason for refusal referenced two points of class Q in which the Local Planning Authority considered that the application failed to comply with. Firstly, the LPA considered that the location and siting of the building would make it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within C3.
- 5.7 Paragraph 109 Ref ID: 13-109-20150305 of the NPPG sets out that there is no definition of what is meant by the terms impractical or undesirable and that the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would “not be sensible or realistic” and undesirable reflects that it would be “*harmful or objectionable*”.
- 5.8 The guidance goes on to further clarify that when considering whether a particular location is appropriate for the change of use to take place that the location of an agricultural barn in a location where a local planning authority would not normally grant planning permission is not a sufficient reason for refusing prior approval.
- 5.9 This revised prior approval application has considered the desirability and impracticability of the previous scheme and has amended accordingly. Firstly, the new proposal includes the demolition of the two agricultural barns at the entrance of the site in order to reduce the amount of agricultural built form and to create a more residential and attractive entrance into the site.
- 5.10 The proposal retains 3 of the existing agricultural buildings which will remain in the ownership of the applicant. No rearing of animals will take place on site following the grant of Prior Approval in order to respect the amenity of the future occupiers of the proposed dwellings. If the Council wishes to do so this can be controlled by a condition.

- 5.11 During the previous Prior Approval request no objection to the layout was raised by statutory consultees during the period of the last application with regards to the practicality of the access arrangement.
- 5.12 It is highlighted that any future residents of the proposed plots will chose to live in these units out of desire and that in rural locations such as this that it is not uncommon for dwellings to be located within close proximity to agricultural buildings. This proposal has the added benefit in that an element of control can be placed upon the remaining agricultural buildings in order to protect the amenity of future residents.
- 5.13 In considering the compliance of this proposal with part (e) the following appeal case is highlighted. In the case of Spite Winter Farm, Oakerthorpe, Bolehill, Matlock, appeal reference APP/P1045/W/15/3005984 an application for the change of use of an agricultural building to a dwellinghouse was refused by Derbyshire Dales on the grounds that the location or siting of the buildings makes it otherwise impractical or undesirable for the building to be used as a dwelling having regard to the nearby agricultural activities on the living conditions of future residents. A copy of the appeal decision is contained in Appendix 1.
- 5.14 In allowing the appeal the Inspector considered that it is not uncommon for farmhouses to share an access and yard with, and be within close proximity to, other agricultural buildings. The Inspector also stated that whilst future residents may well be conscious of odours and noise from animals and farm machinery this would not be unusual in a rural area or render the living condition unacceptable.
- 5.15 As demonstrated by the Inspector in this appeal decision it is not uncommon to find dwellings located within close proximity to agricultural buildings and that it would be expected that any future residents would be aware of the relationship between the two uses and that they would clearly expect such living conditions which are typical of rural areas. On this basis this application is considered to comply with part (e) of the GDPO.
- 5.16 In addition, the refusal on the failure to comply with part (e) the Council decided that the application failed to comply with part (f) design of part Q.2. It is considered that the revised scheme, which retains the existing form of the agricultural buildings on site provides a design that is in keeping with the rural character and historic agricultural use of the site. Overall, it is considered that the external appearance of the proposal is well designed,

respectful to existing character of the area and will make attractive homes for future occupants. It will not lead to an unacceptable relationship/conflict between residential uses.

6.0 CONCLUSION

- 6.1 The building is in agricultural use and has been so since before 20th March 2013. It is structurally sound and capable of accommodating the alterations required to facilitate residential conversion. The proposal satisfies the relevant criteria set out in Paragraph Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 No. 596. The conversion to residential use does not therefore require planning permission.
- 6.2 The supporting Structural Survey confirms that all barn posts are plumb, blockwork walls are plumb, the floor slab was level and that the steelwork was in good condition. Provided that measures are taken to preserve the steelwork and that damp proofing methods and insulation are incorporated the building is appropriate and capable for conversion for residential use.
- 6.3 The limited extent of building operations required to achieve the conversion including the demolition of a single elevation to Plot 1 and the installation of a new non-load bearing wall, plus the insertion of windows and doors are all well within the scope of works described by the PPG (Paragraph 105 – ID 13 – 105 - 20180615).
- 6.4 The proposed dwellings would not unacceptably impact upon the safe or efficient use of the highway network, they will not give rise to any or be vulnerable to unacceptable noise impacts, they will not increase flood risk and they are not at risk from contamination. The building is sited in a rural area, but is in close proximity to the highway network to which it is connected to by an existing surfaced access. The building has access to power and utilities which are located on site. The proposed dwelling is not situated in close proximity to any other uses which are incompatible with residential use. Residential use is not therefore impractical or undesirable in this location.
- 6.5 It is our view that the proposed development constitutes permitted development under Class Q of the GPDO.

7.0 APPENDICES

Appendix 1 – Appeal Decision



29 JUL 2015

Appeal Decision

Site visit made on 16 June 2015

by **William Fieldhouse BA (Hons) MA MRTPI**

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

Decision date: 28 July 2015

Appeal Ref: APP/P1045/W/15/3005984

Spite Winter Farm, Oakerthorpe Road, Bolehill, Matlock DE4 4GP

- 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, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015.
- The appeal is made by Mr Richard Bowler against the decision of Derbyshire Dales District Council.
- The application Ref 14/00546/PDA, received by the Council on 18 August 2014, was refused by notice dated 9 October 2014.
- The development proposed is the change of use of an agricultural building to a dwellinghouse.

Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 1, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GPDO") for the change of use of an agricultural building to a dwellinghouse at Spite Winter Farm, Oakerthorpe Road, Bolehill, Matlock DE4 4GP in accordance with the details submitted pursuant to Schedule 2, Part 1, section Q2 of the GPDO and subject to the following three conditions in addition to those set out in the GPDO:
 - 1) No development shall take place until details of the design and external appearance of the 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.
 - 2) No development shall take place until details of the curtilage of the proposed dwelling, including its garden, bin storage, parking and turning areas, and hard and soft landscape works, along with an implementation timetable, have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and timetable.
 - 3) In the event that contamination is found at any time during the course of development it must be reported in writing to the local planning authority and no further development shall take place until a report of appropriate investigation, risk assessment and any necessary remediation scheme, including an implementation timetable, has been submitted to and approved in writing by the local planning authority. The remediation scheme shall be

implemented, and a verification report submitted, in accordance with the approved timetable.

Preliminary Matters

2. The application was made under the provisions of legislation that has now been replaced by the Town and Country Planning (General Permitted Development) (England) Order 2015. I have determined the appeal in the context of, and with reference to, current legislation. Both parties have had opportunity to respond to the fact that the GPDO has been consolidated and updated, and I am satisfied that this has not had a material bearing on the outcome in this case.
3. The GPDO grants planning permission for certain forms of development, including the change of use of an agricultural building to a dwellinghouse along with associated works provided that certain limitations and restrictions are complied with. The Council, in determining the application, was satisfied that, if prior approval were to be granted, the proposal would be permitted development.
4. Notwithstanding that, at the appeal stage the Council has questioned whether the extent of the curtilage to the dwelling would exceed that allowed by the GPDO meaning that the proposal would not in fact benefit from permitted development rights. There are some apparent discrepancies in the information included in the application about what size the curtilage would be, the red line on the submitted plan appearing to include little if any land outside the barn, the supporting statement referring to a curtilage of 28m² and the application form referring to a cumulative area of 120m².
5. However, it is clear from the appeal documents that there is no intention for the curtilage to exceed the GPDO limit. It was evident from my site inspection that there is currently no clearly defined curtilage to the barn, and that the dwelling would be served by an existing access track that also leads to the appellant's fields and another agricultural building meaning that it need not be considered part of the curtilage as defined in the GPDO¹. The GPDO allows conditions to be attached to any prior approval provided that they are reasonably related to the subject matter of the prior approval². It would therefore be possible, if the appeal were to be allowed, to impose a condition requiring details of any garden and parking area for the proposed dwelling to be submitted to and approved by the local planning authority. This would not materially alter the proposal as described in the application but ensure that the extent, design and appearance of the curtilage was appropriate. Furthermore, it is highly unlikely that any third party interests would be prejudiced.
6. On this basis I am satisfied that if prior approval were to be granted, subject to appropriate conditions, the proposal would be permitted development.
7. The Council refused to grant prior approval for two reasons, both of which related to GPDO paragraph Q2(e) which refers to whether the location or siting of the building makes it otherwise Impractical or undesirable for it to change from agricultural use to a dwelling.

¹ GPDO Schedule 2 Part 3 Class X.

² GPDO paragraph W(13).

8. Since the Council's decision, relevant parts of national Planning Practice Guidance ("PPG") have been amended. The PPG now makes it clear that a test in relation to the sustainability of the location of the site should not be applied as the permitted development right recognises that agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. The fact that the site may be in a location where permission would not normally be granted for a dwelling is not a sufficient reason for refusing prior approval. Rather, the test is whether the location or siting of the building would make it impractical or undesirable to change its use to a dwelling, for example if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals³.
9. In light of this change to the PPG, the Council has advised that it no longer wishes to pursue its first reason for refusal, which related to the accessibility of the site, and I agree that there is no need for me to consider that matter further.

Main Issue

10. In light of the above, the main issue is whether the location or siting of the building makes it otherwise impractical or undesirable for the building to be used as a dwelling having regard to the effect that the nearby agricultural activities would be likely to have on the living conditions of future residents.

Reasons

11. The proposal relates to an attractive, traditional stone barn in the countryside outside Wirksworth. A modern agricultural building is located around 20 metres away facing the barn on the other side of a yard, and to the rear of that building is a modest-sized timber shelter for the appellant's cattle that are kept in the adjoining fields.
12. Detailed plans of the proposed dwelling have not been prepared, but the appellant advises that the design and external appearance of the building would not be substantially altered and that the proposal would provide a more conveniently-located home for him as he would continue to operate the farm.
13. It is not uncommon for farmhouses to share an access and yard with, and be located in close proximity to, other agricultural buildings. The building closest to, and facing, the proposed dwelling is used for the storage of agricultural machinery and equipment, and the timber shelter to the rear opens onto the adjoining fields. The scale and intensity of the use of the agricultural buildings is by no means great, and whilst future residents of the proposed dwelling may well be conscious of odours and noise from animals and farm machinery this would not be unusual in a rural area or render the living conditions unacceptable.
14. There is always the possibility that the nature of the agricultural activities could change, but there is nothing to suggest in this case that this would be likely or that it would significantly increase the potential for pollution, particularly given the nature and modest size of the agricultural buildings.
15. If the proposed dwelling were to be occupied in the future by someone not involved with the farm they would be aware of the presence of the existing

³ PPG ID 13-108 and 109 updated 5 March 2015.

nearby buildings and the shared access arrangements. Thus, it is reasonable to assume that any such residents would expect living conditions typical of a rural area, the qualities of which differ in various ways to those experienced in built up areas.

16. I conclude that neither the location nor siting of the building makes it otherwise impractical or undesirable for the building to be used as a dwelling having regard to the effect that the nearby agricultural activities would be likely to have on the living conditions of future residents. The proposal would, therefore, be consistent with the objectives of national policy which seeks to ensure a good standard of amenity for the occupants of buildings, that new development is appropriate for its location in order to prevent unacceptable risks from pollution, and that noise should not give rise to significant adverse impacts on health and quality of life as a result of development⁴.

Conditions

17. Paragraph 3 of section Q2 of the GPDO requires the development to be completed within a period of three years starting with the date of this decision, and paragraph 12(a) of section W of the GPDO requires the development to be carried out in accordance with the approved details.
18. The Council officer report suggests that a number of issues related to the prior approval matters ought to be addressed by conditions and I agree that is so.
19. Given the absence of proposed plans and the nature of the existing building, it is necessary to impose a condition requiring details of the design and external appearance of the proposed dwelling in order to safeguard the character and appearance of the area.
20. A condition requiring details of the layout and landscaping of the dwelling's garden, bin storage, and parking and turning areas are required for the same reason. However given the nature of Oakerthorpe Road, the distance of the site from it, presence of an existing yard, and the limited scale of the proposal I am not convinced that such a condition, or a condition relating to construction plant, materials and vehicles, is necessary in the interests of highway safety.
21. As the site has been used for many years for agriculture, including for housing animals, there is the possibility that contamination may be found and therefore a condition is required to ensure appropriate mitigation measures are taken to protect future occupants from pollution.

Conclusion

22. For the reasons given above, I conclude that the appeal should be allowed and approval granted.

William Fieldhouse

INSPECTOR

⁴ National Planning Policy Framework paragraph 17, 4th bullet point, and paragraphs 120 and 123.

BEDFORD

4 Abbey Court, Fraser Road
Priory Business Park, Bedford. MK44 3WH
bedford@dlpconsultants.co.uk
01234 832 740

BRISTOL/SPRU

Broad Quay House (5th Floor)
Prince Street, Bristol. BS1 4DJ
bristol@dlpconsultants.co.uk
01179 058 850

EAST MIDLANDS

1 East Circus Street, Nottingham
NG1 5AF
nottingham@dlpconsultants.co.uk
01158 966 622

LEEDS

Princes Exchange
Princes Square, Leeds. LS1 4HY
leeds@dlpconsultants.co.uk
01132 805 808

LONDON

The Green House, 41-42 Clerkenwell Green
London. EC1R 0DU
london@dlpconsultants.co.uk
020 3761 5390

MILTON KEYNES

Midsummer Court, 314 Midsummer Boulevard
Milton Keynes. MK9 2UB
miltonkeynes@dlpconsultants.co.uk
01908 440 015

SHEFFIELD/SPRU

Ground Floor, V1 Velocity Village
Tenter Street, Sheffield. S1 4BY
sheffield@dlpconsultants.co.uk
0114 228 9190

RUGBY

18 Regent Place, Rugby, Warwickshire
CV21 2PN
rugby.enquiries@dlpconsultants.co.uk
01788 562 233



IEMA Transforming the world
to sustainability



RTPI
Chartered Town Planner



RICSTM