



Appeal Decision

Site visit made on 3 October 2023

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2023

Appeal Ref: APP/U2370/W/23/3319409

White House Farm, Preston Road, Inskip-with-Sowerby, Preston PR4 0TT

- 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 L&A Duckett against the decision of Wyre Borough Council.
 - The application Ref 22/00796/COUQ, dated 3 August 2022, was refused by notice dated 28 September 2022.
 - The development proposed is described as: 'Change of Use of Agricultural Building to three dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is common ground between the main parties that the appeal scheme meets the requirements of paragraph Q.1 of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) and as such that it would constitute development permitted under Class Q, subject to the prior approval of certain matters. I see no reason to disagree.

Main Issue

3. The main issue is therefore whether the location or siting of the building would make it impractical or undesirable for it to change from agricultural use to a use falling within Class C3, with particular regard to noise and odour.

Reasons

4. The appeal site comprises an agricultural building forming part of a closely knit group of agricultural buildings. These buildings front the central yard and access route through the site. The appeal building backs onto the roadside verge and lies adjacent to the gated entrance to the site from Preston Road. The Grade II listed dwelling of Whitehouse Farmhouse is located to the opposite side of the entrance, set back from the road behind an enclosed front garden. The agricultural buildings are predominantly corrugated-sheeted, timber and steel framed structures and are typically open to the front.
5. It is proposed to convert the building to three dwellings. New openings would be inserted into the structure and the dwellings would be arranged with the main living spaces facing onto the proposed small areas of curtilage abutting the parking and access road, which is proposed to remain. Each of the dwellings would have large door openings onto these spaces facing towards the

- remaining agricultural buildings. These curtilages and the living spaces of the proposed dwellings would consequently have a very close relationship with the remaining open fronted agricultural buildings and the farm access.
6. From my site visit I saw that the buildings appeared to be in use primarily for storage of straw, fencing materials and fertiliser, alongside some agricultural machinery. The appellant states that there are no farming operations on the site nor any desire to restart any by the appellant. However, any future owner of the land and buildings may have different intentions.
 7. The current lawful use of the surrounding land and buildings adjacent to the appeal building is for agriculture. That would remain were I allow the appeal. I have not been directed to any planning restrictions that would prevent the future use of these buildings for a more intensive agricultural activity, such as for housing livestock, should an owner wish to do so. Indeed, whilst some of the buildings are in 'poor condition' as per the appellant's structural survey¹, some are considered to be in good or reasonable structural condition, making future re-use more feasible.
 8. Should a more intensive use of the buildings arise once the dwellings have been occupied, their residents would potentially be subjected to significant noise and smells arising from the activity, including agricultural vehicle movements passing very close to the dwellings and their small curtilages. As is the nature with such an enterprise, agricultural activities could take place during the day and night, seven days a week.
 9. I acknowledge that, as set out in an Inspector's decision² provided by the appellant, many residents are likely to accept or indeed value, working rural surroundings. I also recognise, as stated in another referenced appeal decision³, that, owing to the nature of proposals coming forward as part of Class Q, some disturbance to future residents, including through noise and smells, would be expected. In that appeal, the Inspector determined that the distance from the agricultural buildings to the appeal site would be sufficient to limit any disturbance to an acceptable level. In the case of the earlier referenced decision, it is clear from the description of the site that agricultural buildings were not located in close proximity to the barn granted prior approval. As such neither appeal is directly comparable to what is before me.
 10. In that regard, given the very close proximity of the proposed living spaces and curtilages to the large number of remaining agricultural buildings and the access, the appeal proposal has potential to lead to significant disturbance to the occupiers of those properties, adversely affecting living conditions. Although I recognise that the appellant has ceased agricultural activities, there is nothing before me to indicate that this would be the case in perpetuity. Intensive agricultural activities and the associated movement of agricultural vehicles could recommence at any time, even if some, or all, of the buildings were demolished as indicated by the appellant.
 11. In that regard, the appellant has suggested that the harm from future use of the agricultural buildings could be overcome by including a negatively-worded condition on any grant of prior approval requiring the demolition of all

¹ Structural Condition Survey for Assessing Conversion to Residential Properties by Paul Snape Consulting dated July 2021.

² Ref: APP/B2355/W/21/3284053.

³ Ref: APP/L3245/W/21/3269754.

agricultural buildings at the site, prior to commencement. A site location plan has been provided showing the buildings intended to be removed outlined in blue.

12. The appellant has provided a copy of an appeal decision⁴ from 2015 in which the Inspector granted prior approval subject to a similar condition requiring the demolition of buildings marked on a plan. I have not been provided with a copy of this plan or any other details of the scheme. The precise nature of the buildings to be demolished, their proximity to the building subject of the appeal, including whether or not they were attached, is therefore unclear. As such, I cannot be certain that the precise circumstances of that case are comparable with the scheme before me. This limits the weight I can attribute to this decision. Furthermore, I note from the decision that at least some buildings at the site were proposed to be retained and that the buildings to be demolished are referred to as 'adjoining'. On the evidence available, the 2015 appeal is therefore not directly comparable with the scheme before me.
13. Part 3 of Schedule 2 of the GPDO, through paragraph Q.1(i)(ii), allows partial demolition '*to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i)*'. The demolition of other unattached buildings that do not form part of the appeal building, would not constitute partial demolition. Moreover, the demolition of all of the remaining buildings at the site could not be considered to be reasonably necessary to carry out the permitted building operations. At Q (i) it is clear that the development is not permitted by Class Q if it would consist of building operations other than those at Q(i)(i) and Q(i)(ii).
14. Paragraph W(13) sets out that the decision-maker '*may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.*' Given the extent of the buildings and the scale of the operation to remove them, requiring this to be carried out through a pre-commencement condition would go beyond what could be considered to be reasonably related to the subject matter of this prior approval appeal: the change of use of a single agricultural building.
15. In conclusion, the location or siting of the building would make it undesirable for it to change from agricultural use to a use falling within Class C3. The proposal would not provide adequate living conditions for future occupiers of the proposed dwellings with particular regard to noise and odour. There would therefore be conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which, amongst other things, requires planning decisions to ensure developments provide a high standard of amenity for existing and future users.

Other Matters

16. The appeal site lies within the setting of Whitehouse Farm, a Grade II listed building. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving listed buildings or their settings when considering whether to grant planning permission. However, this is not directly relevant as a prior approval application is not an application for planning permission, with planning permission having already been granted by Article 3(1) of the GPDO.

⁴ Ref: APP/Q3305/W/14/3000602.

Nonetheless, where the prior approval matters include design and external appearance, it is appropriate to take into account the impact of a development on the setting of a listed building. Having regard to paragraph Q.2(1)(f) of the GPDO, the design and external appearance of the proposal are considered acceptable by the Council. Furthermore, the Council has no objections to the design in relation to impacts on the historic asset. Having regard to the extent and nature of the building operations to a modern agricultural building set away from the listed building, I see no reason to disagree.

Conclusion

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

Paul Martinson

INSPECTOR