



Appeal Decision

Site visit made on 7 July 2015

by Louise Phillips MA (Cantab) MSc MRTPI

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

Decision date: 21 July 2015

Appeal Ref: APP/V2255/W/15/3005182

Little Norwood Farm, Parsonage Lane, Bobbing, Sittingbourne, Kent ME9 8QA

- 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 Hoo Developments Limited against the decision of Swale Borough Council.
 - The application Ref 14503331/PNBCM, dated 7 October 2014, was refused by notice dated 4 December 2014.
 - The development proposed is the change of use of an agricultural building to a dwelling house.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order, 2015 for the location and siting of a change of use of an agricultural building to a dwelling house at Little Norwood Farm, Parsonage Lane, Bobbing, Sittingbourne, Kent ME9 8QA in accordance with the terms of the application Ref 14503331/PNBCM, dated 7 October 2014, subject to the following conditions:
 - 1) The development hereby permitted shall be completed not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 1323/1A; 1323/2; and 1323/3.

Preliminary Matters

2. Schedule 2, Part 3, paragraph W(11)(c) of the GPDO¹ provides that development which is the subject of a prior approval application can begin if the local planning authority has not given notification of its decision within 56 days of receiving the proposal. The appellant contends that the Council's decision was made "out of time" but, as an appeal has been lodged nonetheless, I have determined it on its planning merits. In any case, given that my decision is to allow the appeal, this procedural matter has no practical bearing on the end result for either party. For the avoidance of doubt, I have made my decision on the basis of the plans listed in Condition No 2 above.

¹ Town and Country Planning (General Permitted Development) (England) Order, 2015.

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3. On 15 April 2015, since the appeal was made, an updated and consolidated version of the GPDO was brought into force to replace the 1995 edition. The application was made with reference to the 1995 version, by which the permitted development rights sought were conferred by Class MB. Under the present version, the rights concerning the change of use of an agricultural building to a dwelling house are instead available under Class Q and my decision is made on this basis.
4. Whereas the relevant changes to the GPDO are essentially of nomenclature, certain alterations made to the Planning Practice Guidance (PPG) in March 2015 do bear upon the substance of the Council's decision. The decision refers to the unsustainable location of the building being unacceptable in principle and a number of development plan policies are cited in support of this position. However, paragraph 108 of the PPG is clear that the permitted development right provided by Class Q does not apply a test in relation to sustainability of location. This is to recognise that many agricultural buildings will not be in village settlements and that occupants may not be able to rely on public transport for their daily needs.
5. The Council has considered the effect of the PPG alterations in its Statement and does not seek to defend the locational sustainability issue (paragraph 17). Nor does it seek to rely upon its development plan policies and, since the principle of the development is already established through the GPDO, I agree that they are not determinative of the appeal. I have therefore considered the Council's remaining points of opposition in light of current legislation and national policy & guidance.

Main Issue

6. The main issue is whether the location or siting of the building makes it otherwise impractical or undesirable for it to change from an agricultural use to a dwelling.

Reasons

7. Class Q provides that a change of use of an agricultural building and any land within its curtilage to a dwelling house; and building operations reasonably necessary to convert the building to a dwelling house, is permitted development. Paragraph Q.1 sets out the circumstances in which this would not be the case, but on the basis of the amended plans, there is no suggestion that the scheme would fall within the basic terms of the Class.
8. Paragraph Q.2 requires that before development commences, the developer shall apply to the local planning authority for a determination as to whether its prior approval will be required in relation to a number of specific matters. In this case, prior approval was refused on the basis that the proposal would conflict with the condition at paragraph Q.2(1)(e), which is whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a dwelling house. Having clarified at paragraph 108 that no sustainability of location test should apply, paragraph 109 of the PPG advises that "*impractical*" should be taken to mean "*not sensible or realistic*"; and that "*undesirable*" should mean "*harmful or objectionable*".

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9. Notwithstanding its concession referred to in preliminary matters, the Council continues to contend that the proposed dwelling would represent an isolated home in the countryside, contrary to paragraph 55 of the National Planning Policy Framework. However, paragraph 55 begins "*To promote sustainable development in rural areas, housing should be **located** (my emphasis) where it will enhance or maintain the vitality of rural communities...*" Thus it is my view that this policy imposes a sustainability of location test and so, having regard to the PPG, it should not apply. It is open to me to consider whether the location of the site would be "impractical" or "undesirable" for residential use but, while access to services might well be very inconvenient for people without a car, the road network is sufficiently good that anyone with one could go about their business with relative ease.
10. Notwithstanding that they are raised with reference to paragraph 55 of the Framework, the Council's concerns in respect of the effect of the development on the countryside remain valid. The site occupies a picturesque spot on a narrow lane surrounded by cornfields and the character of the area is undeniably rural. However, it lies immediately adjacent to a pair of cottages and there is another house nearby to the east. The neighbouring cottage has a large side garden, which includes several "domestic" trees and plants and, while these are in no way unattractive, they do contrast with the more agricultural appearance of the wider area.
11. The potential for domestic paraphernalia to accumulate within the curtilage of the appeal property would clearly add to this effect, but the area over which it could spread would be limited. No objection has been raised in relation to the appearance of the proposed dwelling itself and its essentially barn-like appearance would be in keeping with its setting. Therefore, I do not consider that the proposed development would have a harmful or objectionable impact upon the character and appearance of the area.
12. For the reasons above, I conclude that it would neither be impractical nor undesirable for the appeal building to change from an agricultural use to a dwelling by virtue of its location or siting.
13. In reaching this conclusion, I have had regard to the appeal decisions referred to by the Council concerning developments in North Yorkshire and Sittingbourne². The first relates to a proposal under the GPDO, but it predates the changes to the PPG set out above. It is therefore to be expected that its treatment of locational sustainability would be different to my own. Like the Inspector in that case, I have considered the effect of the proposed development upon the character and appearance of the area, but in contrast to him, I have found that no harm would result. The second appeal concerns an application for planning permission (to remove a condition) rather than an application under the GPDO. Consequently, paragraph 108 of the PPG, which relates to applications for prior approval, would not apply.

Conclusion and Conditions

14. For the reasons given above I conclude that the appeal should be allowed. Paragraph Q.2(3) of the GPDO requires that development under Class Q is subject to the condition that both the change of use and the building operations associated with it must be completed within three years of the prior approval

² Appeals Ref APP/E2734/A/14/2220495; and APP/V2255/A/13/2195986.

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date. I have imposed this condition accordingly. For the avoidance of doubt, I have also imposed a condition requiring the development to be carried out in accordance with the approved plans.

Louise Phillips

INSPECTOR